

**CALIFORNIA CODE OF REGULATIONS**  
**TITLE 25, DIVISION 1, CHAPTERS 2 and 2.2**

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**Legend:**

- \* Text shown in underline indicates new text.
  - \* Text shown in ~~strikeout~~ indicates deleted text.
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**§ 1002. Definitions.**

**(c) –C-**

(1) Cabana. A freestanding accessory building or structure, or building component of a unit, located immediately adjacent to and intended to increase the living area of that unit, which is a portable, demountable, or permanent room enclosure or other building erected or constructed for habitation. A cabana shall not exceed the size of the unit to which it is an accessory.

(2) California Building Code. California Code of Regulations, Title 24, Part 2, as adopted and published by the California Building Standards Commission.

(3) California Electrical Code. California Code of Regulations, Title 24, Part 3, as adopted and published by the California Building Standards Commission.

(4) California Fire Code. California Code of Regulations, Title 24, Part 9, as adopted and published by the California Building Standards Commission.

(5) California Mechanical Code. California Code of Regulations, Title 24, Part 4, as adopted and published by the California Building Standards Commission.

(6) California Plumbing Code. California Code of Regulations, Title 24, Part 5, as adopted and published by the California Building Standards Commission.

(7) California Residential Code. California Code of Regulations, Title 24, Part 2.5, as adopted and published by the California Building Standards Commission.

(8) Carport. An accessory structure for vehicle parking, used for shade or weather protection, supported by one or more posts or columns and partially supported by a unit or other accessory structure installed, erected, or used on a lot.

~~(8-9)~~ Carport, Freestanding. An accessory structure for vehicle parking, used for shade or weather protection, supported entirely by columns or posts and, other than flashing, not attached to or supported by a unit or other accessory structure.

~~(9-10)~~ Certificate of Occupancy. A document issued by the enforcement agency when an MH-unit or commercial modular, installed on a foundation system, is approved for occupancy by the enforcement agency.

~~(10-11)~~ Certification. The department's stamp of approval applied to the earthquake resistant bracing system manufacturer's plans and installation instructions.

~~(11-12)~~ Cited Person. A person or entity issued a notice of violation for a violation of this chapter or applicable laws who is responsible for its correction.

~~(12-13)~~ Combustible. As applied to building construction is any material or construction which does not meet the criteria of noncombustible as defined in subsection (n) of this section.

~~(13-14)~~ Common Area. An area, within the boundaries of the park, that is not specific to any lot or space and is under the ownership and control of the park.

~~(14-15)~~ Commercial Modular. "Commercial modular" means a structure transportable in one or more sections, designed and equipped for human occupancy for industrial, professional, or commercial purposes, which is required to be moved under permit, and shall include a trailer coach as defined in section 635 of the Vehicle Code. "Commercial coach" has the same meaning as "commercial modular" as that term is defined in section 18001.8 of the Health and Safety Code.

~~(15-16)~~ Concrete Block Pier. An assembly of load-bearing, concrete blocks with wooden wedges used to support and level a unit.

~~(16-17)~~ Concrete Pier. A concrete load-bearing support that incorporates into its structure an adjustable means of raising and leveling the unit.

~~(17-18)~~ Contractor. Any person as defined in Business and Professions Code section 7026 through 7026.3.

(g) –G–

(1) Garage. An enclosed accessory building or structure located on a lot and designed for the storage of motorized vehicles.

(2) Gas Connector. A flexible connector, listed for exterior use, to convey gas from a gas riser outlet to the gas supply connection of a unit.

(3) Gas Piping, Main. A distribution line that serves as a common source of supply for more than one service line.

(4) Gas Piping System, Park. The pipe, equipment and related installations, outside of permanent buildings, units, or accessory buildings or structures, for distributing gas throughout the park.

(5) Gas Riser Outlet. That portion of a park gas service line or gas piping system, extending above ground, serving a lot.

(6) Gas Service Line. The pipe or that portion of a park gas piping system, extending from the main park gas line to the individual gas riser outlet serving a lot.

(7) Good Cause. What the enforcement agency would find to be a reasonable basis for failing to appear at the time and place scheduled for a hearing, an informal conference, or formal hearing, conference or hearing; for extending the date of an informal conference or hearing pursuant to sections 1754 or 1756; or for not complying with a specified timeline.

(8) Greenhouse. An accessory structure constructed mainly of translucent or transparent materials used for the cultivation of plants.

(9) Gross Floor Area. The floor area enclosed within the surrounding exterior walls of a unit, accessory building or structure, or portions thereof. Where there are no walls, "gross floor area" means the usable area contained within the horizontal projection of the roof and floor.

(10) Ground Anchor. That part of a tiedown assembly that is inserted into the ground.

(11) Guardrail. A vertical barrier erected along the open edges of a porch or other elevated area to prevent persons from falling to a lower level.

(h) –H–

(1) Habitable Room or Structure. Any structure or room within a structure meeting the requirements of this chapter for sleeping, living, cooking, or dining purposes, excluding such enclosed spaces as awning enclosures, closets, pantries, bath or toilet rooms, service rooms, connecting corridors, laundries, unfinished attics, foyers, storage spaces, unfinished cellars, utility rooms, and similar spaces.

(2) Handrail. A railing provided for grasping with the hand for support, erected along one or more edges of a stairway or ramp.

(3) Hearing. The informal hearing procedure of the enforcement agency conducted by the director or his or her designee, as the authorized representative of the enforcement agency pursuant to Government Code section 11445.20 subdivision (c), including, but not limited to, matters filed pursuant to Health and Safety Code sections 18301, 18402, 18403, 18420, 18421, 18513 and 18613.7.

(4) Hearing Officer. The authorized representative of the enforcement agency, or other official authorized to conduct hearings.

(s) –S-

(1) Sanitation Station, Recreational Vehicle. A plumbing receptor designed to receive the discharge of sewage holding tanks of self-contained recreational vehicles and which is equipped with a water hose connection for washing the receptor.

(2) Sewage Drain Lateral. That portion of the park sewage system that extends to an individual lot drain inlet.

(3) Sewage Drainage System. All the piping within or attached to the unit or accessory building or structure that conveys sewage or other liquid wastes to the drain outlet.

(4) Sewer, Park. That part of the park sewage drainage system beginning at the lot drain inlet or from a point two (2) feet downstream from a permanent building drain connection and terminating at the public sewer or private sewer disposal system.

(5) Shall. "Shall" means required, and includes "must" and "will".

(6) Signed. When required by this chapter to verify a permit, plans, or other document, means use of an original or "wet" stamp or signature, or both, of the architect, engineer, or other person verifying the plan, permit, or other document. When such verification is not required by this chapter, an enforcement agency shall not require an original or "wet" stamp or signature, or both.

(7) Skirting. Material used to enclose or partially enclose the area under a unit or accessory building or structure.

~~(7)~~(8) Standard Plan Approval (SPA). A plan approved by the department for an accessory building or structure, an engineered tiedown system, or a foundation system, to be installed or constructed on a repetitive basis, for the purpose of obtaining a construction permit through an enforcement agency.

~~(8)~~(9) Stairway. A step or any configuration of steps or risers where the run (length) of an individual tread or step does not exceed thirty (30) inches, and which is designed to enable passage from one elevation to another.

~~(9)~~(10) Steel Pier. A steel support that incorporates into its structure an adjustable means of raising and leveling the unit or accessory building or structure that the pier supports.

~~(10)~~(11) Storage Building. An accessory building that may exceed ten (10) feet in height or one hundred twenty (120) square feet of gross floor area located on a lot, designed and used solely for storage of the personal equipment and possessions of the unit's occupants. The construction of a storage building shall comply with the California Building Standards Code, and a permit to construct is required from the enforcement agency.

~~(11)~~(12) Storage Cabinet. An accessory structure, not exceeding ten (10) feet in height or one hundred twenty (120) square feet of gross floor area, located on a lot, designed and used solely for the use and storage of the personal equipment and possessions of the unit's occupants.

~~(12)~~(13) Support. The entire pier and footing assembly, used to transfer the loads of a unit, accessory building or structure, or building component to the ground.

~~(13)~~(14) Support System. A system of supports, which sustains the vertical loads of a unit, accessory building or structure, or building component. A support system does not include a foundation system.

NOTE: Authority cited: Section 18300, Health and Safety Code. Reference: Section 11445.20, Government Code, Sections 18007, 18008, 18008.5, 18008.7, 18009.3, 18010, 18013.4, 18200, 18206, 18213, 18214.5, 18400.1, 18402, 18403, 18404, 18420, 18421, 18513, 18551, 18554, 18603, 18610, 18612, 18613, 18613.4, 18613.5, 18613.7, 18630, 18640, 18670, 18690, 18691, 18909 and 19960-19997, not consecutive, Health and Safety Code.

## **§ 1008. Annual Permit to Operate Fees.**

(a) Permit to operate fees shall be as follows:

(1) An annual permit to operate fee of one hundred forty dollars (\$140); and

(2) An additional seven dollars (\$7) per lot; and

(3) An additional four dollars (\$4) dedicated per manufactured home or mobilehome lot to park maintenance inspections; and

(4) A state fee as contained in Table 1008-1.

Table 1008-1	
Number of Lots	State Fee
2-19	\$40
20-49	\$75
50-99	\$175
100-249	\$400
250-499	\$800
500 or more	\$1,600

(b) The state fee is required to be paid annually.

(c) When a city or county assumes responsibility for enforcement in accordance with section 1004 of this chapter, it shall bill the parks in its jurisdiction for the permit to operate on a calendar year, with the park permit to operate valid from January 1<sup>st</sup> through December 31<sup>st</sup>. Upon transfer, the next year's billing will be prorated to account for the difference in the billing cycle.

NOTE: Authority cited: Sections 18300 and 18502.5, Health and Safety Code. Reference: Sections 18502 and 18502.5, Health and Safety Code.

### **§ 1013. Emergency Preparedness Plans.**

(a) Every park shall adopt an emergency preparedness plan and notify park residents how to obtain a copy of the plan. In order to obtain a permit to operate, the information in subsections (c) and (d) must be submitted to the enforcement agency upon renewal of a permit to operate after September 10, 2010, or the issuance of the initial permit for a new park, whichever comes first.

(1) After a plan is approved by the enforcement agency, it is not necessary to provide the enforcement agency with future copies unless conditions described in the plan have changed (e.g. roadway changes, addition of lots, floodplain changes, etc.).

(b) The emergency preparedness plan shall be one of the following:

(1) adopting the emergency plans and procedures contained in the Standardized Emergency Management System Advisory Board's booklet of November 21, 1997, entitled "Emergency Plans for Mobilehome Parks," published by the former Office of Emergency Services or any subsequent version, or

(2) a plan developed by park management comparable to the plans and procedures contained in the booklet described in subparagraph (1) above.

(c) Documentation submitted to the enforcement agency to obtain a permit to operate shall include at a minimum of the following:

(1) a copy of the plan available to the residents;

(2) the location of the posted notice in the park describing how the residents may obtain the plan;

(3) a copy of the notice distributed to residents that identifies additional state and local agencies' individual emergency preparedness information including, but not limited to, the California Emergency Management Agency;

(4) written verification by the park operator that all residents have received written notification on how to obtain a copy of the plan and the information required in subsection (c)(3).

(d) At a minimum the following items should be included in a park's emergency preparedness plan to be deemed consistent with or comparable to the "Emergency Plans for Mobilehome Parks" booklet, the standard defined in Health and Safety Code 18603.

(1) Maps showing evacuation routes out of the park including all exits and alternate routes and exits.

(2) The elevation of the park property if the park is in a floodplain.

(3) Type of disasters common to the area.

(4) How residents may obtain a copy of the plan.

(5) General information regarding types of disasters such as floods, earthquakes, fires, and other emergencies.

(6) Contact information for emergency government agencies including the California Emergency Management Agency (CalEMA), local fire and police department and community assistance organizations such as the American Red Cross, or other emergency agencies' contact information.

(7) Local emergency broadcast station frequencies.

(8) Information on how residents may obtain additional materials for establishing an individual household emergency plan, individual household emergency supply kits, and individual home safety recommendations.

(e) Park management is not responsible for physically evacuating residents from their homes and park residents must take personal responsibility for themselves during an emergency. Residents that may need assistance in the event of an evacuation should make prior arrangements to have that assistance available.

NOTE: Authority cited: Section 18300, Health and Safety Code. Reference: Sections 18500, and 18603, Health and Safety Code.

#### **§ 1018. Permits Required.**

(a) No person shall erect, construct, reconstruct, install, replace, relocate or alter any building, structure, accessory building or structure, or building component; any electrical, mechanical, or plumbing equipment; any fuel gas equipment and installations, or fire protection equipment; or installations of, or within, a park, or a lot, or perform any non-load bearing grading or area fill with a depth of one (1) foot or greater, unless exempted from obtaining a grading permit pursuant to Appendix J of the California Building Code, without first obtaining a written construction permit from the enforcement agency.

(b) No person shall create or change a lot line within a park without first obtaining a permit from the enforcement agency pursuant to the requirements of section 1105 of this chapter.

(c) Any person issued a notice indicating violations pursuant to this section shall obtain the required permit from the enforcement agency and provide the appropriate fees as prescribed in this article.

(d) The enforcement agency shall not require a permit to construct for the following work, when the construction is performed in a workmanlike manner, does not present a hazard, and otherwise complies with the requirements of this chapter:

(1) Minor maintenance and repair including the replacement of existing utility metering devices.

(2) Previously installed portable air conditioning equipment reinstalled with the unit installation.

(3) The installation of a storage cabinet on a lot.

(4) Construction or installation of a stairway having a landing not to exceed twelve (12) square feet.

(5) A landing not more than twelve (12) square feet in area.

(6) Construction or installation of a window or door awning.

(7) Construction or installation of removable insect screening, flexible plastic or canvas type material used as an awning or as an awning or carport enclosures.

(8) Construction or installation of a retaining wall less than four (4) feet in height measured from the bottom of the footing to the top of the wall, ~~unless it is supporting a surcharge. For the purpose of this section, a surcharge is any additional soil or load placed on the existing soil retained by the wall.~~

(9) Construction or installation of a patio, as defined in section 1002(p)(3).

(10) Fences not over six (6) feet high.

NOTE: Authority cited: Section 18300, Health and Safety Code. Reference: Sections 18500, 18507, 18551, 18610, 18610.5, and 18613, Health and Safety Code.

#### **§ 1052. Closing a Park.**

(a) In addition to the requirements of any other provisions of law, regulation, or applicable local ordinances, when an owner of a park chooses to close a park, in order for the enforcement agency to deem the park closed, the following procedures are required.

(1) Electric and gas services shall be disconnected by the serving utility at the service entrance to the property.

(2) Lot utility equipment must be rendered unusable or removed.

(3) All sewer connections must be capped with gas-tight covers.

(4) Septic systems must be prepared for abandonment in accordance with local health department requirements.

(5) Once the park is totally vacant, a Technical Service Fee shall be paid pursuant to section 1017, and a physical inspection performed by the enforcement agency verifying that the lots are not, and may not be, occupied.

(b) When the closed park is under the authority of a local enforcement agency, that agency shall notify the department within 30 days following verification that the park is closed.

(c) If a closed park is to be reopened, the person or entity proposing to reopen the park shall comply with the requirements of sections 1006.5, 1018 and 1032 of this chapter.

NOTE: Authority cited: Sections 18300, and 18605, Health and Safety Code. Reference: Sections 18502.5, 18503, 18605, and 18610 Health and Safety Code.

#### **§1104. Lot Address Identification and Lot Line Marking.**

(a) All lots shall be identified by letters, numbers, or street address numbers. The lot identification shall be in a conspicuous location facing the roadway. If the lot identification number is to be installed on a wall surface of the unit, the wall surface nearest the roadway shall be used.

(b) All lots shall be defined by permanent corner markers. Corner markers shall be visible at grade and shall be installed in a manner that does not create a hazard.

(c) Permanent corner markers shall be any of the following:

(1) Pressure-treated wood, or wood of natural resistance to decay and insects, as specified in the California ~~Building Residential~~ Code, at least two (2) by two (2) inches in nominal dimension, driven into the ground to a depth of at least eighteen (18) inches, or six (6) inches if it is surrounded by a concrete pad at least four (4) inches in diameter and at least six (6) inches in depth.

(2) Metallic pipe or rods protected from corrosion by galvanizing, paint, or a protective coating which resists corrosion, and is driven into the ground to a depth of at least eighteen (18) inches or is driven into the ground to a depth of at least six (6) inches when it is surrounded by a concrete pad at least four (4) inches in diameter and at least six (6) inches in depth.

(3) Schedule 40 or better PVC, ABS, or CPVC pipe driven into the ground to a depth of at least eighteen (18) inches, or driven into the ground to a depth of at least six (6) inches, when it is surrounded by a concrete pad at least four (4) inches in diameter, and at least six (6) inches in depth.

(4) Saw cuts, blade marks, or scribe marks in a concrete or asphalt curb or roadway which are different in depth and nature than expansion joints.

(5) A nail with either a metal washer or surveyor's marker, which is either driven or embedded into concrete or asphalt, curbs or streets.

(d) To determine the edge of a lot bordering a roadway with curbing, the lot ends at the beginning of the curbing; curbing is part of the roadway.

NOTE: Authority cited: Section 18300, Health and Safety Code. Reference: Sections 18610, 18610.5, and 18612, Health and Safety Code.

#### **§ 1118. Lot Occupancy.**

~~(a)~~ A lot shall accommodate only one (1) unit. However, when used as a frequent means of transportation, a self-propelled recreational vehicle or truck mounted camper may be parked beside the occupied unit. That vehicle shall not be occupied or connected to the lot's utility facilities or interconnected with the occupied unit.

~~(b) In no case shall a truck mounted camper be occupied, if removed from the truck.~~

NOTE: Authority cited: Section 18300, Health and Safety Code. Reference: Sections 18605 and 18610, Health and Safety Code.

### § 1119. Truck Campers Occupied Off a Vehicle.

No person shall occupy a truck camper, as defined in Health and Safety Code section 18013.4, that has been dismantled from a truck or other vehicle, unless the truck camper is located in a separate designated RV park section of a mobilehome park subject to the Special Occupancy Park regulations contained in Chapter 2.2 of this Division.

NOTE: Authority cited: Section 18300 and 18610, Health and Safety Code. Reference: Sections 18013.4, 18605, and 18610, Health and Safety Code.

### § 1180. Lot ~~Electrical Service Equipment~~.

(a) ~~Lot electrical service and its equipment for a new lot~~ Equipment installed to supply electrical energy to an MH-unit shall be rated at not less than 100-amperes and shall be listed and labeled "Service Equipment", "Suitable for Use as Service Equipment" or "Suitable for Use as Service Equipment for Manufactured Homes or Mobilehomes". ~~When installed in locations where the demand for a single lot exceeds 100 amperes, the MH-unit lot service equipment shall be capable of supplying the required demand.~~ MH-unit lot service equipment shall be capable of supplying not less than the required demand to an MH-unit by the installation of a circuit breaker or fused disconnecting switch for connecting the MH-unit feeder assembly by a permanent wiring method. The rating of the overcurrent protection in the MH-unit lot service equipment shall not exceed the rating of the feeder assembly connected by a permanent wiring method. MH-unit lot service equipment may contain any or all of the approved receptacles conforming ~~with to~~ section 1186 of this chapter.

(b) The lot service equipment for existing lots need not be upgraded to comply with the minimum standards contained in subsection (a). However, subject to the conditions and park approvals contained in section 1188, lot service must meet the rated load of the existing or proposed unit installed on the lot, including other attached loads.

(c) MH-unit lot service equipment may also contain a means for supplying accessory buildings or structures or building components or other electrical equipment located on the lot, provided the MH-unit lot service equipment is designed and listed for such application.

(~~e-d~~) Only one power supply connection shall be made to a unit.

(~~d-e~~) Lot service equipment may also contain additional receptacles for supplying portable electrical equipment, provided that such receptacles are listed grounding type receptacles. All 120-volt, single-phase, 15- and 20-ampere receptacle outlets in lot service equipment shall be protected by ground-fault circuit protection. The requirement for ground-fault circuit protection shall not apply to equipment or installations constructed, installed, or approved for construction or installation prior to September 1, 1975.

(~~e-f~~) When an electrical meter is installed as an integral component of the lot service equipment, it shall be of a class or rating that will accurately measure all loads up to the rated ampacity of the lot service equipment.

(~~f-g~~) When the electrical meter-base equipment is to be attached to the MH-unit at the time of installation, an alteration permit for the unit is required pursuant to Section 18029 of the Health and Safety Code.

(~~g-h~~) Parks constructed after January 1, 1997, shall have individual electric meters for each lot and shall be served by electrical distribution facilities owned, operated, and maintained by the electrical corporation as defined in section 218 of the Public Utilities Code providing electric service in the area, in accordance with Public Utilities Code section 2791.

NOTE: Authority cited: Section 18300 and 18605, Health and Safety Code. Reference: Sections 18550, 18605 and 18670, Health and Safety Code; Section 2791 Public Utilities Code.

### § 1211. LPG Tanks.

(a) LPG tank installations in parks must conform to the provisions related to LPG tanks contained in Chapter 38 of the California Fire Code, which is hereby incorporated by reference.

(b) MH-Units designed and constructed with securely mounted tanks, may be served by either the lot or mounted tanks, but not by both at the same time.

(c) A permit from the enforcement agency is required to install fuel tanks exceeding sixty (60) U. S. gallons within a park.

(d) LPG tanks shall be designed and constructed in accordance with nationally recognized standards for unfired pressure vessels.

(e) LPG tanks shall be securely, but not permanently, fastened to the mobilehome or recreational vehicle hitch or a substantial post to prevent accidental overturning.

(f) All LPG tanks located in a floodplain as designated by the local floodplain management agency shall be securely anchored to prevent flotation.

NOTE: Authority cited: Section 18300, Health and Safety Code. Reference: Section 18690, Health and Safety Code.

### **§ 1333. Foundation Systems.**

(a) Pursuant to Health and Safety Code section 18551, the requirements for MH-unit and commercial modular foundation systems are applicable throughout the state.

(b) The foundation system and the connection of the MH-unit or commercial modular to the foundation system shall be designed to withstand the vertical and lateral forces due to dead load, roof and floor live loads, wind and seismic loads in accordance with the provisions of the California ~~Building~~ Residential Code and local soil conditions. The roof live load, wind and seismic loads as established for permanent buildings within specific local areas shall apply.

(c) The vertical and lateral load resisting elements shall be sized and located to resist the loads specified in the manufacturer's installation instructions. The manufacturer's installation instructions shall become a part of the foundation system plans. In the absence of the manufacturer's installation instructions, plans and specifications signed by an architect or engineer covering the installation of an individual MH-unit or commercial modular shall be provided to the enforcement agency.

(d) The foundation system and the connection of the MH-unit or commercial modular to the foundation system shall be capable of withstanding the vertical and lateral loads shown in the manufacturer's installation instructions, or plans and specifications signed by an architect or engineer, including locations where there are concentrated loads.

(e) When an MH-unit or commercial modular is installed on a foundation system, a foundation system plan shall be provided to the enforcement agency. The manufacturer may provide a foundation system plan in its installation instructions, or a foundation system plan may accompany the installation instructions. Foundation systems may be approved by the enforcement agency or the department. Foundation systems approved by the department shall be accepted by every enforcement agency as approved for the purpose of obtaining a construction permit when the design loads and conditions are consistent for the locality. The department shall require that foundation system plans and supporting data be signed by an architect or engineer.

(f) Foundations for cabanas, porches, and stairways which are accessory to MH-units on foundation systems and foundations for building components shall be subject to approval of the enforcement agency. Porches and stairways which are accessory to commercial modulars on a foundation system shall be subject to approval of the enforcement agency.

(g) When it is necessary for the department to approve plans or to make investigations of complaints relating to foundation system plans, fees shall be paid in accordance with section 1020.9 of article 1.

(h) A standard plan approval may be obtained from the department for a plan for MH-unit or commercial modular foundation systems. The requirements for obtaining a standard plan approval are contained in section 1020.9 of article 1.

(i) Multifamily manufactured homes consisting of three (3) or more dwelling units shall be installed on a foundation system pursuant to Health and Safety Code section 18551(a) or (b).

NOTE: Authority cited: Sections 18300, Health and Safety Code. Reference: Sections 18551 and 18008.7, Health and Safety Code.



#### § 1334. MH-unit Support Piers and Footings.

(a) Load bearing piers shall be constructed of rust resistant materials or treated to resist rust ~~and designed and constructed in accordance with the design requirements of the California Building Code, Chapters 16, 19, 21, 22 and 23.~~ The required load bearing capacity of individual support piers and their footings shall be calculated at not less than a combined live and dead load of seventy-five (75) psf, based on roof live and dead load of twenty-five (25) psf and floor live and dead load of fifty (50) psf of the MH-unit.

(b) Load bearing piers, other than concrete block piers, shall be tested to determine the safe operating load. The tests shall be conducted by testing agencies approved by the department. Testing agencies shall provide a pier testing report to the department upon completion, regardless of the testing results. A unique number provided by the testing agency shall identify each test report. The following testing procedures shall be used:

(1) A compression test shall be performed on three (3) piers of the same height and construction, selected randomly at the pier manufacturing facility by a representative of the testing agency.

(A) The compression test shall be performed on piers with all required design assemblies installed, such as adjustable tops, clamps, securement devices or similar assemblies.

(B) The selected piers shall be subjected to the compression test with each pier, fully assembled as will be installed, placed squarely on a firm base, and tested to its failure point. The compression test shall be measured in psf. Support pier failure will be established when the support bends, cracks, buckles or deflects to an unsafe level as determined by the approved testing agency.

(C) The safe operating load of a support pier is one-third (1/3) the average of the three (3) failure tests.

(2) When piers differ in height or construction, design tests and evaluations must be performed on each type of pier.

(c) Tested load bearing piers other than concrete block piers shall be listed and labeled as follows:

(1) Listing of piers shall be conducted by listing agencies approved by the department.

(A) The listing agency shall conduct manufacturer facility audits and prepare finding reports not less than once per year. The audit report will include, at a minimum:

(i) the review of pier construction for compliance with manufactured designs as approved by the testing agency,

(ii) the materials used in its construction including type, size, and weight,

(iii) the manufacturers quality control program, if applicable, and

(iv) the label application and label control process.

(B) The listing agency shall provide an annual report to the department of its approval and audit findings.

(2) Pier supports shall display a legible permanent label of approval, visible when the pier support is installed.

The label shall contain the following information:

(A) Manufacturer's name,

(B) Listing agency name,

(C) Listing number issued by the listing agency,

(D) Testing agency's approved operating load, and

(E) Testing agency's test report number.

(d) Individual load bearing footings may be placed on the surface of the ground, and shall be placed level on cleared, firm, undisturbed soil or compacted fill. Where unusual soil conditions exist, as determined by the enforcement agency, footings shall be designed to compensate for such conditions. The allowable loading on the soil shall not exceed one thousand ~~five-hundred (1,000)(1,500)~~ psf unless data to substantiate the use of higher values is approved by the enforcement agency.

(e) Footings shall be adequate in size to withstand the tributary live and dead loads of the MH-unit and any concentrated loads. The length to width ratio of the footing shall not exceed two and one-half (2.5) to one (1). Individual footings for load bearing supports or devices shall consist of one of the following:

(1) Pressure treated lumber which meets the following requirements:

(A) Not less than two (2) -inch nominal thickness with a minimum of twenty-five (25) percent of the individual footings identified by an approved listing agency, as being pressure treated for ground contact.

(B) Knots. Well spaced knots of any quality are permitted in sizes not to exceed the following or equivalent displacement:

Nom. Width	Any Location	Holes (Any Cause)	One Hole or Equivalent Per Piece
6"	2 3/8"	1 1/2"	
8"	3"	2"	
10"	3 3/4"	2 1/2"	
12"	4 1/4"	3"	
14"	4 5/8"	3 1/2"	

(C) Splits. In no case exceed one-sixth (1/6) the length of the piece.

(D) Honeycomb or Peck. Limited to small spots or streaks of firm honeycomb or peck equivalent in size to holes listed in (B) above.

(2) Precast or poured in place concrete footings not less than three and one-half (3 1/2) inches in thickness. The concrete shall have a minimum twenty-eight (28)-day compressive strength of not less than two thousand five hundred (2500) psi.

(3) Other material, approved by the department, providing equivalent load bearing capacity and resistance to decay.

(f) Individual load bearing piers or devices and footings shall be designed and constructed with sufficient rigidity and bearing area to evenly distribute the loads carried over one-third (1/3) the area of the footings as measured from the center of the footing. When two (2) or more two (2) inch nominal wood pads placed side-by-side on the ground are used as a pier footing, a single wood cross pad must be installed on top of the ground contact pads at a ninety (90) degree angle so as to place the directional wood grains opposing to each other. The cross pad must be of a length to cover each ground contact pad and be of two (2) inch nominal thickness. Footings shall be constructed of sufficient rigidity to evenly distribute the loads carried to the ground without bowing or splitting.

(g) When multiple wood footings are stacked, they shall be secured together with corrosion resistant fasteners at all four (4) corners of the pad which will penetrate at least eighty (80) percent of the base pad to prevent shifting.

(h) Individual load bearing piers, which do not include the footing as defined in section 1002 of this chapter, located under the MH-unit's chassis shall not exceed thirty-six (36) inches in height.

(i) When more ~~then~~ than one-quarter (1/4) of the area of the MH-unit is supported at a height of three (3) feet or more as measured between each unit's chassis and the ground, the MH-unit shall be installed on a foundation system in accordance with section 18551 (a) or (b) of the Health and Safety Code.

(j) No portion of the support system above the ground shall extend beyond the vertical plane of the side or end wall of the MH-unit that would restrict or inhibit installation of skirting.

NOTE: Authority cited: Sections 18300 and 18613, Health and Safety Code. Reference: Sections 18300 and 18613, Health and Safety Code.

#### § 1334.2. Mechanical Connection of Concrete Block Piers.

While nothing in this section requires the installation of an MH-unit to include the mechanical connection of concrete block piers, the following standards have been developed for the mechanical connection of a concrete block pier to an MH-unit and to the pier's footing.

(a) When live loads are applied to an MH-unit installed pursuant to Health and Safety Code section 18613, mechanical connection of concrete block piers shall be capable of maintaining the placement of the support system of the MH-unit to the point of the failure of either the attachment point on the MH-unit, the pier or the footing.

(1) The means of mechanical connection shall not allow the separation of the MH-unit from any pier or footing as a result of horizontal loads or vertical loads,

(2) Failure occurs when the attachment point on the MH-unit, the pier or the footing yields or fractures or is deformed to a point that threatens the health and safety of the occupants of the MH-unit.

(b) For the purposes of this section, live loads are restricted to the following:

(1) horizontal loads applied to the attachment point on the MH-unit in both directions parallel to the attachment point and in both directions perpendicular to the attachment point; and

(2) vertical loads applied to the attachment point on the MH-unit in both directions upward and downward from the point of contact between the pier footing and the ground.

(c) In order to test a device, assembly or arrangement designed to achieve mechanical connection of a concrete block pier to an MH-unit and to the pier's footing, the testing shall comply with the methods and specifications provided in this section, and the mechanical connection shall endure the testing without failure.

(d) The device, assembly or arrangement of mechanical connection of concrete block supports shall be tested in both of the following configurations:

(1) eight (8) inches by eight (8) inches by sixteen (16) inches concrete blocks shall be stacked three (3) blocks high, without wooden spacers between the blocks, upon a pressure-treated wood footing two (2) inches by twelve (12) inches by thirty (30) inches in size.

(2) eight (8) inches by eight (8) inches by sixteen (16) inches concrete blocks shall be stacked three (3) blocks high, with one (1) -inch wooden spacers between the concrete blocks, upon a pressure-treated wood footing two (2) inches by twelve (12) by thirty (30) inches in size.

(3) The concrete blocks used in the configurations shall comply with the requirements and reference standards contained in ~~of UBC Standard 21-4, "Hollow and Solid Load Bearing Concrete Masonry Units,"~~ the California Building Code.

(e) A section of three (3)-inch flange by ten (10)-inch web steel "I" beam shall be used to simulate the point of attachment to the MH-unit.

(f) Two (2)-piece wooden wedges, driven together in opposition to one another and forming a thickness of not less than one (1) inch or more than two (2) inches between the topmost concrete block and the "I" beam, shall be used to simulate the typical surface bearing area between the concrete block pier support and the point of attachment to the MH-unit.

(g) The device, assembly or arrangement proposed as a means of mechanical connection for concrete block supports shall be installed in each of the configurations specified in subsection (d) and shall be subjected to the following procedures.

(1)(A) The footing shall be placed upon a level surface capable of supporting not less than one thousand five-hundred ~~hundred~~ pounds ~~(1000)~~(1,500) psf.

(B) The contact points between the wooden wedges and the "I" beam and between the concrete block and the footing shall be clearly marked.

(C) The "I" beam shall be raised vertically at least twelve (12) inches not less than five (5) times, without failure of the mechanical connection.

(D) Failure occurs if the points of contact of either the wooden wedges and the "I" beam or the concrete block and the footing has changed more than one (1) inch from the locations originally marked, as instructed in subsection (g)(1)(B).

(2)(A) The "I" beam shall be subjected to a constant vertical load of not less than one thousand five-hundred ~~(1000)~~(1,500) psf at a point central to the concrete block pier configuration. The measurement between the level support surface and the bottom of the "I" beam shall be recorded.

(B) While maintaining the vertical load, the "I" beam shall be subjected to horizontal loads applied in both directions parallel to the "I" beam and in both directions perpendicular to the "I" beam. The mechanical connection shall withstand these forces without failure, until one or more of the concrete blocks fail to support the vertical load.

(C) Failure of one or more of the concrete blocks to support the vertical load occurs when the measurement recorded as directed in subsection (g)(2)(A) between the support surface and the bottom of the "I" beam, is decreased by one or more inches.

(D) Failure of the mechanical connection occurs if the points of contact of either the wooden wedges and the "I" beam or the concrete block and the footing have changed more than one (1) inch from the locations originally marked as instructed in subsection (g)(1)(B).

NOTE: Authority: Sections 18300, 18613, and 18613.4, Health and Safety Code. Reference: Section 18613.4, Health and Safety Code.

### § 1336.1. Listed Tiedown Assemblies.

Tiedown assemblies that are not part of an engineered tiedown system shall be listed as having been tested and found to be in compliance with the requirements of this section.

(a) A tiedown assembly consists of the ground anchor component and anchoring equipment. Anchoring equipment includes such components as

- (1) a tie, which connects the ground anchor to the MH-unit ;
- (2) a tensioning device, such as a turnbuckle or a yoke-type fastener; and
- (3) fastening devices, such as an eye-bolt or a U-bolt-type cable clamp.

(b) A tiedown assembly shall be designed to prevent self-disconnection. Open hook ends shall not be used in any part of the tiedown assembly.

(c) Flat steel strapping used as a component of a tiedown assembly shall comply with the specifications and testing methods of ASTM Standard D3953-91, "Standard Specification for Strapping, Flat Steel and Seals," which is hereby incorporated by reference.

(d) A ground anchor component designed for the connection of multiple ties and the means for the attachment of the ties shall be capable of resisting, without failure, the combined working load of the maximum number of ties that can be attached to the anchor.

(e) A tiedown assembly shall be tested by applying an increasing test load to the point of failure in order to determine the assembly's capacity for resistance. A working load for the tiedown assembly shall be established from the test results, which shall be two-thirds (2/3) of the amount of resistance the tiedown assembly endured without failure.

(f) The tiedown assembly shall be tested while the ground anchor is installed as recommended by the manufacturer.

(1) The type of soil in which the ground anchor is installed for the application of a test load shall correspond to one of the classes of materials shown in California ~~Building Residential~~ Code, Table ~~18-1-A-R 401.4.1~~. The working load of the listed tiedown assembly used in the calculations shall be for ~~type 5 soil, also known as one-thousand five-hundred (1,000)(1,500) pound soil~~, consisting of clay, sandy clay, silty clay and clayey silt, as classified in the California ~~Building Residential~~ Code, Table ~~18-1-R 401.4.1~~.

(2) The test load shall be applied from the direction of the tie.

(g) Failure of the ground anchor component consists of the following occurrences:

(1) The application of the test load results in an uplift of the ground anchor greater than two (2) inches or a side deflection of the ground anchor greater than three (3) inches; or

(2) The ground anchor, including the means of attachment of the tie, breaks, separates, or is deformed in a manner that threatens the integrity of the tiedown assembly. A deformity that threatens the integrity of the tiedown includes one that would allow the tie to separate from the ground anchor or that would cause the tie to wear and break.

(h) Failure of a component of the anchoring equipment consists of the following occurrences:

(1) The tie stretches to a length more than two (2) percent greater than the length of the tie prior to the application of the test load; or

(2) A component of the anchoring equipment or the attachment point to the MH-unit yields or fractures upon application of the test load; or

(3) A component of the anchoring equipment or the attachment point of the MH-unit is deformed by the working load in a manner that is a threat to the integrity of the tiedown assembly.

(i) The listing for the tiedown assembly shall include the following information:

- (1) The model identification number of the tiedown assembly;
- (2) The working load of the listed tiedown assembly used in the calculations, shall be calculated for ~~type 5 soil, also known as one-thousand five-hundred (1,000)(1,500)-psf soil~~, consisting of clay, sandy clay, silty clay and clayey silt, as classified in the California ~~Building Residential Code~~, Table ~~18-1-A-R401.4.1~~ ; and
- (3) Installation instructions for the tiedown assembly, including the manner in which the ground anchor component must be inserted into the ground in order to maintain the working load for which the tiedown assembly is rated. Such instructions include the angle at which the anchor must be inserted and the angle at which the tie must be attached.

(j) The ground anchor component of a listed tiedown assembly shall contain a permanent label that provides the manufacturer's name and the listed model identification number of the tiedown assembly. The label shall be located on the anchor in a place that it is visible after installation, and the information shall be provided on the label in a manner that is easy to read.

NOTE: Authority: Sections 18300, 18613, and 18613.4, Health and Safety Code. Reference: Section 18613.4, Health and Safety Code.

#### **§ 1346. Skirting Design and Construction.**

(a) Where the space beneath an MH-unit is enclosed, there shall be provided a removable access panel opening a minimum of eighteen (18) inches by twenty-four (24) inches unobstructed by pipes, ducts, or other equipment that may impede access. The access panel shall not be fastened by any means requiring the use of a special tool or device to remove the panel.

(b) Cross ventilation shall be provided by openings having a net area of not less than one and one-half (1½) square feet for each twenty-five (25) linear feet of the MH-unit and including all ~~enclosed unventilated-skirted~~ structures such as porches. The openings shall be provided on at least the two (2) opposite sides along the greatest length of the unit and shall be installed as close to all the corners as practicable.

(c) When wood siding or equivalent home siding products are used as ~~underfloor enclosure skirting~~ material, the installation shall comply with the siding manufacturer installation instructions. Where siding manufacturer installation instructions are not available, the installation shall conform to the provisions of the California ~~Building Residential Code~~. All wood products used in ~~underfloor enclosure skirting~~ construction located closer than six (6) inches to earth shall be treated wood or wood of natural resistance to decay. Where located on concrete slabs placed on earth, wood shall be treated wood or wood of natural resistance to decay.

(d) Where manufacturer installation instructions require the use of a ground vapor barrier under the MH-unit, skirting shall be provided in accordance with this section.

(e) When skirting is installed on an MH-unit or accessory structure in a floodplain, as designated by the local floodplain management agency, the skirting shall be either:

(1) a flexible material that will not impede the water flow, or

(2) if constructed of rigid materials, have openings totaling one (1) square inch of opening for every one (1) square foot of enclosed area. The bottom of these openings shall not be more than one (1) foot above grade. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

NOTE: Authority cited: Section 18300, Health and Safety Code. Reference: Sections 18605 and 18613, Health and Safety Code.

### § 1377. Permit Application Review and Notice of Department Decision.

(a) Within one (1) working day of the receipt of an application to install an earthquake resistant bracing system, the department shall provide the applicant with written notice whether the application is complete pursuant to section 1374.6 and acceptable for filing. If the application is not complete, the notice shall specify the information and/or documentation necessary to complete the application. If the application is not complete, the notice, the application and the accompanying documentation shall be returned to the applicant.

(b) Within seventeen (17) working days of the receipt of a complete and acceptable application, the department shall issue a permit or shall provide the applicant with written notice of the department's refusal to issue a permit. The written notice of refusal shall specify the reasons why the permit may not be issued.

(c) An application for a permit to install an earthquake resistant bracing system shall be considered complete and acceptable if it is in compliance with the provisions of section 1374.6 of this article.

(d) Should the applicant fail to submit a complete and acceptable application within ninety (90) days of the notice of rejection, the application shall be deemed abandoned and all fees submitted pursuant to section 1025 shall be forfeited to the department. Should an applicant cancel the application for the permit to install a manufactured home or mobilehome earthquake resistant bracing system, all fees submitted shall be forfeited to the department.

(e) The estimated minimum, median, and maximum elapsed time between receipt of a completed application for a permit to install an earthquake resistant bracing system and reaching a final decision are as follows:

- (1) Minimum           one (1) working day
- (2) Median           two (2) working days
- (3) Maximum       seventeen (17) working days

(f)(1) The applicant may request and shall be granted ~~an informal administrative~~ a hearing for a timely resolution of any dispute arising from a violation of the time periods within which the department must process this application as set forth in Section 1757. Such request may be made to the Secretary of the Business, Transportation, and Housing Agency and or the director of the department or his or her duly authorized representative. The request shall be a written petition requesting a hearing which sets forth a brief statement of the grounds therefore as set forth in section 1756.

~~(2) Upon receipt of the written petition, the department shall set a time and place for the hearing and shall give the petitioner at least ten (10) days written notice. The hearing shall commence no later than thirty (30) days after the day on which the petition was filed except that, upon application or concurrence of the petitioner, the department may postpone the date of the hearing for a reasonable time beyond the thirty (30) day period, if in its judgment the petitioner has submitted or the department has a good and sufficient reason for the postponement. Should petitioner fail to appear at the scheduled time and place of the hearing, the department may dismiss the petition without further action or take other action as may be appropriate.~~

~~(3) Upon conclusion of the hearing, either the Secretary of the Business, Transportation, and Housing Agency or the director of the department, or his or her duly authorized representative, shall notify the petitioner in writing of the decision in the matter and the reasons therefor, within forty five (45) days.~~

~~(4) The petition shall be decided in the applicant's favor, if the department has exceeded the established maximum time period of issuance or denial of the permit and the department has failed to establish good cause for exceeding the time period.~~

~~(5)(3)~~ If the petition is decided in the applicant's favor, the applicant shall receive full reimbursement of any and all filing fees paid to the department.

NOTE: Authority cited: Sections 18502.5 and 18613.7, Health and Safety Code, and Section 15376, Government Code. Reference: Sections 18300, 18502.5, and 18613.7, Health and Safety Code, and Section 15376, Government Code.

#### **§ 1426. Accessory Buildings or Structures and Building Components Installed in Fire Hazard Severity Zones.**

(a) Accessory buildings or structures or building components constructed or installed in parks in a State Responsibility Area Fire Hazard Severity Zone or a local Very-High Fire Hazard Severity Zone, as indicated on the California Department of Forestry and Fire Protection's Fire Hazard Severity Zone Maps, shall comply with the Title 24, Part 2.5, Chapter 3, section R327 of the California Residential Code (CRC) which is hereby incorporated by reference with the exception of the following provisions: Sections R327.1.5, R327.2 (Fire Protection Plan) and R327.3.6. Standards of Quality as defined in section 703A and the Materials, Systems, and Methods of Construction as defined in the section 704A of the California Building Code, Title 24, Part 2 Chapter 7A.

(b) Accessory buildings or structures or building components constructed or installed outside of parks in a State Responsibility Area Fire Hazard Severity Zone, a local Very-High Fire Hazard Severity Zone, or a local Wildland-Urban Interface Fire Area shall comply with the provisions of the California Building Code CRC, Title 24, Part 2.5, Chapter 7A 3, section R327.

NOTE: Authority cited: Sections 18300 and 18691, Health and Safety Code. Reference: Section 18691.

#### **§ 1429. Required Exits.**

(a) An enclosed accessory building or structure or building component may be constructed or installed to enclose an emergency exit window from a sleeping room within a unit provided the enclosed area adjacent to the emergency exit window has a door not less than twenty-eight (28) inches in width and seventy-four (74) inches in height providing direct access to the outside. The exit doorway from the enclosed accessory building or structure, or building component shall comply with the exit illumination requirements contained in the California Building Residential Code and lighting outlet requirements contained in the California Electrical code.

(b) An accessory building or structure which encloses a required exit doorway from an MH-unit shall have an exit path and exit that does not violate the exit facilities requirements for manufactured homes, as contained in the Manufactured Home Construction and Safety Standards, 24CFR, Part 3280.105.

(c) An awning enclosure that encloses a required exit shall not be divided with interior walls or barriers unless the divided areas contain additional exit doors serving the divided areas that comply with subsection (a).

NOTE: Authority cited: Sections 18029 and 18300, Health and Safety Code. Reference: Sections 18029, 18552, and 18610, Health and Safety Code.

#### **1432. Construction.**

(a) Construction and installation of accessory buildings or structures or building components shall comply with the structural requirements for permanent buildings of the California Residential Code, except as otherwise provided by this article. The enforcement agency may require accessory buildings and structures or building components be designed and constructed to withstand live loads, vertical uplift or horizontal forces from any direction in excess of the minimum loads specified in this chapter, based on local geologic, topographic, or climatic conditions, when approved by the department.

(b) Accessory buildings and structures constructed of aluminum or aluminum alloy shall be designed to conform to the specifications contained in the California Building Residential Code.

(c) Unless data to substantiate the use of higher values is submitted to the enforcement agency, the allowable loading of accessory buildings or structures or building components on the soil shall not exceed one thousand five-hundred (1,000)(1,500) psf vertical soil bearing pressure, one hundred fifty (150) psf of depth lateral soil bearing pressure, and one hundred sixty-seven (167) psf frictional resistance for uncased cast-in-place concrete piles.

NOTE: Authority cited: Section 18300, Health as Safety Code. Reference: Sections 18552 and 18620, Health and Safety Code.

#### § 1446. Cabana-Design and Construction.

A cabana shall be designed and constructed as a freestanding structure. A cabana shall not be attached to a unit. However to provide a weather seal, flashing or sealing materials may be affixed between the cabana and the unit. The design and construction requirements applicable to of cabanas are shall follow the requirements contained in the California Building Residential Code, except as otherwise provided in this article.

NOTE: Authority cited: Section 18300, Health and Safety Code. Reference: Section 18552, Health and Safety Code.

#### § 1450. Cabana- Support System.

(a) Cabanas may be installed using a support system in lieu of continuous footings. Girders shall be designed and constructed to evenly distribute the loads carried to the footings.

(b) Support systems shall comply with the applicable requirements of section 1334.

(c) When a support system is used in lieu of a foundation system, the cabana shall comply with the tiedown requirements for manufactured homes as specified in sections 1336.1 through 1336.3.

NOTE: Authority cited: Section 18300, Health and Safety Code. Reference: Section 18552, Health and Safety Code.

#### § 1458. Cabana-Light and Ventilation.

(a) Each habitable room shall have an aggregate glazed window area of not less than ~~ten (10)~~ eight (8) percent of the gross floor area for natural lighting with a minimum of fifty (50) percent of that glazed area able to be opened for ventilation. ~~or ten (10) square feet, whichever is greater.~~ When the cabana encloses windows of the manufactured home or mobilehome, park trailer, or travel trailer required for light and ventilation, the window area of the cabana shall be not less than ~~twenty (20) percent of the gross floor area of~~ the total area of windows enclosed by the cabana.

(b) A bathroom, toilet room, or service room shall have an aggregate window area of not less than three (3) square feet, except where an approved mechanical ventilation system is provided. When a service or storage room does not enclose or obstruct a window of the manufactured home or mobilehome, park trailer, or travel trailer, no additional window area is required.

(c) Where ventilation of a room is by natural means, openings such as windows, skylights, grilles or gravity vents shall have a minimum net free cross sectional area opening to the outer air equal to five (5) percent of gross floor area.

(d) Required windows of a cabana shall open to an open space, either directly or through a porch or awning having a minimum clear height of not less than six (6) feet two (2) inches. Such porch or awning shall be at least fifty (50) percent open on the side opposite the windows.

(e) For bathrooms, toilet rooms or service rooms, where the net free cross-sectional area of available natural ventilation is less than five (5) percent of the gross floor area, an approved system of mechanical ventilation and artificial light may be used in lieu of required natural light and ventilation.

(f) Where mechanical ventilation is installed, it shall be capable of producing two (2) air changes per hour with not less than one-fifth (1/5) of the air supply taken from outside the cabana, except that in bathrooms, toilet rooms or service rooms, the mechanical ventilation system, connected directly to the outside, shall be capable of providing five (5) air changes per hour.

NOTE: Authority cited: Section 18300, Health and Safety Code. Reference: Section 18552, Health and Safety Code.

#### § 1464. Cabana-Energy Standards.

The energy requirements for cabanas shall comply with the following:

(a) Cabanas with a total floor area less than 250 square feet shall be provided with the following minimum thermal resistance (R) rated insulation.

(1) Roof/ceiling – R-19.

(2) Walls and raised floors – R-13.



(3) All window areas must be dual-glazed.

~~(a-b)~~ For cabanas with a total floor area of 250 to 500 ~~600~~ square feet ~~or less~~, the applicable minimum requirements in the "Mandatory Measures Checklist: Residential, MF-1R" dated August 2001, which is incorporated by reference, ~~or as thereafter amended by the Commission~~, as set forth in the "Residential Manual for Compliance with California's 2001 Energy Efficiency Standards", to the extent applicable to construction materials, appliances or fixtures within the cabana. Exception: "Cool Roof" material shall not be required for cabana construction.

~~(b-c)~~ For cabanas with a total floor area of more than ~~600~~ 500 square feet, the minimum requirements in the California Energy Code as applicable to residential dwellings for the zone in which the cabana will be located, to the extent applicable to construction materials, appliances, or fixtures within the cabana. Exception: "Cool Roof" material shall not be required for cabana construction.

~~(c-d)~~ The enforcement agency may develop and use or provide as informational guidelines energy standard charts implementing or specifying the California Energy Code requirements which are otherwise used for construction within the jurisdiction of the enforcement agency.

(e) Plans for cabana construction must indicate the method for providing active or passive space-heating capable of providing an average indoor temperature of sixty-eight (68) degrees.

NOTE: Authority cited: Section 18300, Health and Safety Code. Reference: Section 18552, Health and Safety Code.

#### **§ 1468. Awning-Design and Construction.**

(a) An awning and its structural parts, except cloth, canvas, or similar flexible materials, shall be designed, constructed, and erected to adequately support all dead loads plus a minimum vertical live load of ten (10) psf except that snow loads shall be used where snow loads exceed this minimum. Requirements for the design of awnings necessary to resist minimum horizontal wind pressure are contained in the California ~~Building~~ Residential Code Appendix Chapter 31.

(b) The following awnings shall be completely freestanding;

(1) awnings with a roof structure dead load weight of more than six (6) psf;

(2) awnings exceeding twelve (12) feet in width (projection) as measured from the wall of the MH-unit to the outer edge of the awning roof; and

(3) awnings required to be designed and constructed for live loads in excess of ten (10) psf.

(c) Flashing or sealing materials may be used to provide a weather seal between a freestanding awning and a unit. No separation is required between a freestanding awning and an attached awning located on the same lot.

(d) Notwithstanding the provisions of subsection (b), an awning installed in an area with a roof live load not to exceed 20 psf with a dead load not to exceed six and one-half (6 ½) psf may be attached to an MH-unit provided all of the following apply:

(1) the MH-unit was manufactured after September 15, 1971, and bears a department insignia of approval or a HUD label of approval; and

(2) it is provided with continuous perimeter support under the rim joist below the wall for the entire length of the awning or as a perimeter support system designed in accordance with the California ~~Building~~ Residential Code and

(3) it is secured to the sidewall, excluding eaves and overhangs.

(e) Awnings with a roof structure dead load weight of one (1) psf or less, do not require perimeter supports on the MH-unit wall at the point of attachment unless the MH-unit installation instructions require perimeter wall supports because of the additional load.

(f) All awnings on lots occupied by recreational vehicles shall be freestanding and shall not transmit any loads to the recreational vehicle except for cloth or canvas or similar flexible material.

(g) Combustible material used in awnings shall not be installed within three (3) feet of the lot line pursuant to section 1428 of this chapter. However, wooden support posts, installed in accordance with section 1428(h), may be located up to a lot line.

NOTE: Authority Cited: Section 18300, Health and Safety Code. Reference: Section 18552, Health and Safety Code.

#### **§ 1474. Awning-Enclosures.**

(a) Awning enclosures shall be used only for recreational or outdoor living purposes and shall not be used as carports or storage rooms nor shall they be constructed or converted for use as a habitable room or a cabana.

(b) Combustible material used for awning enclosures shall not be installed within three (3) feet of the lot line pursuant to section 1428 of this chapter.

(c) Awnings may be enclosed or partially enclosed as follows:

(1) With insect screening or removable flexible plastic material. Awning drop or side curtains shall not be permanently fastened at the sides or bottom. (A permit to construct is not required.)

(2) With rigid, readily removable transparent, or translucent materials.

(3) Awnings may be partially enclosed with solid, opaque panels, provided the panels do not exceed fifty (50) percent of the total wall area.

(4) Awnings may be completely enclosed with solid material, provided that fifty (50) percent of the total wall area is translucent or transparent material, of which twenty-five (25) percent of the total wall area shall be able to be opened for ventilation. Exiting requirements shall meet the requirements for a cabana.

(d) Where an awning is erected or constructed immediately adjacent to or over a permanently constructed retaining wall of fire resistant material, there shall be not less than eighteen (18) inches clear ventilating opening between the underside of the awning roof and the top of the wall extending the full length of the awning.

(e) An awning shall not be enclosed unless the enclosure is designed and constructed as a freestanding structure or unless the awning is designed and constructed to withstand the additional forces imposed by the enclosure.

(f) The construction requirements for awning enclosures are contained in the California ~~Building-Residential~~ Code, ~~Appendix Chapter 31~~.

(g) Heating, cooking, or fuel burning appliances or equipment shall not be installed or used within an awning enclosure.

(h) Drop ceilings may be supported by the MH-unit provided the combined weight of the ceiling and the awning complies with section 1468(d).

(i) When an exit from the unit is enclosed, the exit from the enclosure shall satisfy the exit and lighting requirements contained in section 1429 of this chapter.

NOTE: Authority Cited: Section 18300, Health and Safety Code. Reference: Sections 18552 and 18610, Health and Safety Code.

#### **§ 1498. Landing, Porch and Stairway-Design and Construction.**

(a) Requirements for the design and construction of all structural elements of porches and stairways and railings are contained in the California ~~Building-Residential~~ Code, except as otherwise provided by this article. Live loads applicable to porch floors and stairways shall be not less than forty (40) psf. Porches shall be designed and constructed as completely freestanding, self-supporting structures. Except as otherwise provided in this article, stairways and ramps shall be a minimum of thirty-six (36) inches in width.

(b) Where a door of the MH-unit swings outward:

(1) the floor of the exterior landing or porch shall be not more than one (1) inch lower than the bottom of the door; and

(2) the width and depth of the exterior landing or porch serving stairs perpendicular to any outswinging door opening shall comply with subsection (a) of this section and shall not be less than the full width of the door when open at least ninety (90) degrees. Guard rails shall permit the door to open at least ninety (90) degrees.

(c) The exit stairway for a door opening on the carport side, when necessary for vehicle access, shall be not less than twenty-eight (28) inches or the full clear width of the door opening, whichever is greater, when the stairs are parallel to the MH-unit.

(d) Where the MH-unit door swings inward or is a sliding door, the landing, porch, or top step of the stairway may not be more than seven and one-half (7½) inches below the door. The width of the landing, porch, or top step

of the stairway shall comply both with subsection (a) of this section and not be less than the width of the door opening. A landing or porch is not required when the stairway has a straight run up to the door opening.

(e) The stairway may be capable of being relocated and need not be secured to the lot

NOTE: Authority cited: Section 18300, Health and Safety Code. Reference: Section 18552, Health and Safety Code.

#### **§ 1500. Porch and Stairway Support System.**

(a) Porches may be supported on piers in lieu of continuous footings. Individual piers shall be designed and constructed to evenly distribute the loads carried to the footings.

(b) Support footings shall comply with the requirements of either section 1334 of this chapter or the California ~~Building~~ Residential Code.

NOTE: Authority cited: Section 18300, Health and Safety Code. Reference: Section 18552, Health and Safety Code.

#### **§ 1502. Porch-Guardrails.**

Guardrails shall be provided around the perimeter of porches and decks which are thirty (30) inches or more above grade. The requirements for porches and guardrails are contained in the California ~~Building~~ Residential Code, except as otherwise provided in this chapter.

NOTE: Authority cited: Section 18300, Health and Safety Code. Reference: Section 18552, Health and Safety Code.

#### **§ 1504. Stairway-Handrails.**

(a) Every stairway with four (4) or more risers, or stairways exceeding thirty (30) inches in height, shall be equipped with handrails and intermediate rails for the entire length of the handrail.

(b) Handrails with a circular cross-section shall have an outside diameter of at least one and one-quarter (1.25) inches and not greater than two (2) inches or shall provide equivalent grasping ability. If the handrail is not circular, it shall have a perimeter dimension of at least four (4) inches and not greater than six and one-quarter (6.25) inches with a maximum cross-sectional dimension of two and one-quarter (2.25) inches. Edges shall have a minimum radius of one-hundredth (0.01) inch.

(c) The ends of handrails shall be rounded, extend to the edge of the last step, and shall not project more than three (3) inches beyond the last handrail support post.

(d) The requirements for stairways and handrails are contained in the California ~~Building~~ Residential Code, except as otherwise provided in this chapter.

NOTE: Authority cited: Section 18300, Health and Safety Code. Reference: Section 18552, Health and Safety Code.

#### **§ 1506. Ramps and Handrails.**

When a ramp and handrail are to be constructed in place of a stairway, the requirements for the design and construction of the ramp and handrail are contained in the California ~~Building~~ Residential Code, except as otherwise provided in this chapter.

NOTE: Authority cited: Section 18300, Health and Safety Code. Reference: Section 18552, Health and Safety Code.

### **Article 10. Violations, Complaints, ~~Abatement~~, and Hearings and Abatement.**

#### **§ 1612. Final Notice Requirements and Appeals.**

(a) If the initial notice from the enforcement agency has not been complied with on or before the date specified in the notice, the enforcement agency may institute proceedings against the cited person or entity.

(1) The enforcement agency shall issue to the cited person, the last registered owner of a cited unit, and the park owner or operator, or the legal owner of the property where the cited unit, structure, or property is located,

a final notice to ~~abate~~ notice of violation or notice to abate the violation that shall contain at least a minimum the following:

- (A) the date the notice is prepared;
- (B) the name or names of the responsible person or entity;
- (C) a list of the uncorrected violation(s) cited;
- (D) final compliance date;
- (E) right to request an informal conference pursuant to section 1752 of this chapter if one has not been requested previously with regard to the identified violations;
- (F) right to request a hearing as defined in Section 1002 subdivision (h)(3) pursuant to section ~~1613~~ 1756 of this chapter but only after the denial or conclusion of the informal conference;
- (G) a statement that any willful violation is a misdemeanor under section 18700 of the Health and Safety Code.

(2) The final notice shall be mailed, by registered or certified mail, return receipt requested, to the cited person, ~~to the legal owner of the property as shown on the last equalized assessment roll~~ to the legal owner of the property as indicated on the permit to operate application and to the last known address of the last registered or legal owner of record of the cited unit, unless the unit is in such condition that identification numbers are not available to determine ownership. The final notice may also be served by personal service at the discretion of the enforcement agency.

~~(3) The officer or employee of the enforcement agency upon giving this final notice shall file an affidavit certifying to the time and the manner in which that notice was given. He or she shall also file with the affidavit, any receipt card which may have been returned to him or her in acknowledgment of the receipt of that notice by registered or certified mail.~~

NOTE: Authority cited: Sections 18300 and 18605, Health and Safety Code. Reference: Sections 18402, 18404, 18420, 18421, 18552, and 18605, Health and Safety Code.

#### **§ 1613. Request for Hearing, Notice of Time and Place for Hearing.**

~~(a) Upon request for a hearing, the cited person or entity receiving a final notice of intention to abate a violation shall be granted a hearing on the matter before an authorized representative of the enforcement agency, or official authorized to conduct the hearing if the request, pursuant to this article, is made to the enforcement agency within ten (10) days after personal service or acknowledgment of receipt by mail of the final notice to abate.~~

~~(b) Upon receipt of a request for hearing from the cited person or entity, the enforcement agency shall, within sixty (60) days of receipt, hold the hearing. The enforcement agency shall provide the time and place of the hearing in a written notice to the petitioner within twenty (20) days of receipt of the request. Receipt of the request for hearing from the cited person or entity, shall postpone any judicial or administrative action by the enforcement agency until after the hearing.~~

~~(c) All procedures governing hearings related to maintenance violations are contained in article 11, commencing with section 1750.~~

~~(d) In the event that a cited violation constitutes an imminent hazard representing an immediate risk to life, health and safety of persons or property which requires immediate correction, a hearing shall not be permitted and a request for a hearing shall not extend the time for the correction of the violation.~~

~~(e) If the request for hearing is not received within ten (10) days from the date of personal service or acknowledgment of receipt by mail of the notice, the enforcement agency shall have the discretion to continue abatement proceedings.~~

NOTE: Authority cited: Sections 18300 and 18605, Health and Safety Code. Reference: Sections 18402, 18403, 18421 and 18605, Health and Safety Code.

#### **§ 1615. Hearing.**

(a) At the time and place of the hearing, the hearing officer shall hear the testimony of and accept evidence from the legal owner of the property, or park owner or operator; the cited person; or their respective representative; and any other person with information or testimony relevant to the final notice to abate. The testimony shall be limited to the condition of the cited unit, structure, or property. Prior to the hearing, the enforcement agency shall provide all evidence supporting the abatement action to the hearing officer.

(b) If the petitioner does not appear at the hearing, the enforcement agency shall have the authority to proceed immediately with abatement procedures.

(c) Within ten (10) days after conclusion of the hearing, the hearing officer shall render a written decision in the matter which sustains, modifies, or overrules the final notice to abate. The decision shall be mailed by first class mail to all parties to the hearing. If the decision sustains or modifies the final notice to abate, the hearing officer may establish new dates and schedules for compliance.

(d) At the discretion of the hearing officer, the enforcement agency shall post a copy of the written decision in a conspicuous place on the property or unit.

NOTE: Authority cited: Sections 18300 and 18605, Health and Safety Code. Reference: Section 18605, Health and Safety Code.

#### **§ 1616. Time to Bring Action.**

Any cited person, owner, or other interested person having any objections, or feeling aggrieved at any proceedings taken by the hearing officer conducting the hearing, or the enforcement agency in ordering abatement of any violation, shall bring an action in any court of competent jurisdiction within thirty (30) days after receipt of the decision.

NOTE: Authority cited: Sections 18300 and 18605, Health and Safety Code. Reference: Section 18605, Health and Safety Code.

#### **§1618. Responsibility for Costs.**

(a) The registered owner of the unit or any other cited person or entity that fails to correct a violation or abate a nuisance within the time allotted in the original correction order, or any extension thereto, shall be held responsible for the costs of abatement of the violation. Costs of abatement, for purposes of this section, may include the enforcement agency's investigative and case preparation costs, court costs and attorney fees, the cost associated with any physical actions taken to abate the violation, and any technical service or other fees due to the enforcement agency related to the abatement activity.

(b) If the unit is in such condition that identification numbers are not available to determine ownership, or the enforcement agency is unable to locate the owner after making a reasonable effort to do so, the owner of the property on which the unit is located shall be liable for such costs.

NOTE: Authority cited: Sections 18300 and 18605, Health and Safety Code. Reference: Sections 18402, 18403, 18404, 18423, and 18605, Health and Safety Code.

### **Article 11. Informal Conferences and ~~Formal Appeals~~ Hearing Procedures**

#### **§ 1750. Application and Scope.**

(a) The provisions of this article apply to the ~~informal and formal~~ procedures available to a cited person, as defined by section 1002 of this chapter, who has received a notice of a violation ordering abatement or correction of a violation of this chapter, the Health and Safety Code, or any other applicable provision of law, issued by the enforcement agency, ~~pursuant to section 18420 of the Health and Safety Code.~~

(b) None of the procedures for ~~an informal or formal~~ the appeal and subsequent hearing process ~~extend extends~~ the time allowed for the correction of violations noted in the original notice of violation or notice of abatement noted in subsequent notices of violation issued to the same person or about the same situation unless:

(1) the final date of compliance occurs before the later of either the date of the informal conference or the date of the written determination of the enforcement agency;

(2) the final date of compliance occurs before the later of either the date of the hearing or the date of the hearing officer's final order;

(3) an extension of time allowed for the correction of violations is contained in the written determination provided by the enforcement agency pursuant to subsection 1754(b); or

(4) an extension of the time allowed for the correction of violations is contained in the final, formal decision issued by an enforcement agency pursuant to subsection ~~1756(f)~~ 1757(d).

NOTE: Authority cited: Sections 18300 ~~and~~ 18421, and 18605, Health and Safety Code. Reference: Sections 18402, 18403, 18420, and 18421, Health and Safety Code.

#### **§ 1752. Request for Informal Conference.**

(a) The following informal conference process shall be available to a cited person who is required to respond to a notice of violation ordering abatement or correction of a violation of this chapter, the Health and Safety Code, or any other applicable provision of law issued pursuant to section 18420 of the Health and Safety Code, and shall be initiated solely at the discretion of the person addressed in the notice of violation if he or she desires to appeal or seek clarification of the notice of violation.

(b) The use of the informal conference process shall be limited to the dispute of one or more of the following issues contained in a notice of violation:

- (1) The existence of one or more alleged violations,
- (2) The alleged failure to correct the violations in the required time frame, and
- (3) The reasonableness of the time frame within which the violations shall be corrected.

(c) If a person is in receipt of a notice of violation and chooses to request an informal conference with a representative of the enforcement agency,

- (1) the person shall make a written request to the enforcement agency for an informal conference, and
- (2) the person shall ensure that the enforcement agency receives the written request within ten (10) working days of the notice of violation.

(d) The written request for an informal conference shall provide the following information:

- (1) The name, address, and telephone number of the person requesting the informal conference, and
- (2) A brief description of the issues disputed.

(e) Within ~~three (3)~~ seven (7) working days of the receipt of a written request for an informal conference, the enforcement agency shall contact the person who submitted the request and shall schedule an informal conference for the earliest possible, mutually convenient time and place. The informal conference shall occur during the normal working hours and shall be held no later than ~~fifteen (15)~~ twenty-one (21) working days after the enforcement agency's receipt of the written request. "Normal working hours" are from 8:00 a.m. to 5:00 p.m. on Monday through Friday, excluding holidays.

(f) The enforcement agency shall deny a request for an informal conference only if one (1) or more of the following conditions apply:

- (1) The issues identified for dispute in the written request do not include at least one (1) of the issues specified in subsection (b), or
- (2) The person requesting the informal conference is not available to meet with the representative of the enforcement agency within the ~~fifteen (15)~~ twenty-one (21) day time period and the enforcement agency determines that good cause does not exist to postpone the informal conference.

NOTE: Authority cited: Sections 18300 and 18421, Health and Safety Code. Reference: Sections 18402, 18403, 18420 and 18421, Health and Safety Code.

#### **§ 1754. Informal Conference.**

(a) An informal conference related to a violation shall occur at the time and place scheduled and shall provide the person requesting the conference with the opportunity to explain to the representative of the enforcement agency each issue disputed and the facts and circumstances of each dispute.

(b) Within ~~five (5)~~ ten (10) working days of the completion of the informal conference, the enforcement agency shall provide a written notification of its determination, to the person who requested the conference.

(c) The written determination shall sustain, overrule, or modify the original notice of violation that contained each issue disputed at the informal conference. Modification may include:

(1) changes to the original violation cited,

(2) where necessary to provide a reasonable time for compliance, an extension of the time within which the modified required corrective action shall be completed. The extension of time shall not exceed thirty (30) calendar days, or such longer period of time allowed by the enforcement agency, from the date of the enforcement agency's written determination or greater period of time as determined by the enforcement agency.

(d) The written request for an informal conference shall be considered withdrawn if the person who submitted the request:

(1) does not appear at the mutually-agreed upon time and place scheduled for the informal conference, and

(2) does not notify the enforcement agency, within five (5) calendar days prior to the date on which the informal conference was scheduled, with written confirmation of the good-cause reason for not appearing at the informal conference.

(e) If the enforcement agency determines that good cause exists for a postponement, the enforcement agency shall postpone an informal conference for a period of time not to exceed fifteen (15) working days and shall notify the person in writing of the time and date of the postponed conference. Otherwise, the agency shall confirm the automatic withdrawal and, if applicable, the denial of the request due to a lack of a good-cause reason, as determined by the enforcement agency.

NOTE: Authority cited: Sections 18300 ~~and~~, 18421 ~~and~~ 18605, Health and Safety Code. Reference: Sections 18402, 18403, 18420, and 18421, and 18605, Health and Safety Code.

#### **§ 1756. Request for ~~Appeal~~ Hearing: ~~Appeal~~ of Decision Rendered in Informal Conference.**

(a) Any park owner or operator, cited person, or any registered owner of a unit, who has received a notice of violation ordering abatement or correction of a violation of this chapter, the Health and Safety Code, or any other applicable provision of law issued pursuant to section 18420 of the Health and Safety Code, from the enforcement agency has the right to petition for a formal request a hearing on the matter before an authorized representative of the with the person in charge of enforcement agency or that person's designee, after a decision is rendered in an informal conference or the agency has denied the request for an informal conference.

(b) The person requesting the ~~formal~~ hearing shall submit a written ~~petition~~ hearing request to the enforcement agency:

(1) within ten (10) working days of the date of the denial of a request for an informal conference, or

(2) within ~~five (5)~~ ten (10) working days of the date of the enforcement agency's written determination, following an informal conference, if the issues contained in the notice of violation and the request for hearing were disputed at the informal conference-, or

(3) within ten (10) working days of the enforcement agency's issuance of a notice of intent to suspend a permit to operate, issued pursuant to section 18511 of the Health and Safety Code. An informal conference is not a condition precedent to a request for a hearing on a notice of intent to suspend the permit to operate and the request shall not be denied for failure to have an informal conference as referenced in Section 1756 subdivision (a), or

(4) within ten (10) working days of the written notice of refusal of the application for a permit to install an earthquake resistance bracing system pursuant to section 1377. An informal conference is not a condition precedent to a request for a hearing for refusal of the application for a permit to install an earthquake resistant bracing system and the request shall not be denied for failure to have an informal conference as referenced in Section 1756 subdivision (a).

(c) The written ~~petition~~ hearing request shall:

(1) provide the name, address, and phone number of the ~~petitioner~~ appellant,

(2) provide the ~~petitioner's~~ appellant's reasons for requesting a ~~formal~~ hearing,

(3) summarize each issue to be disputed at the ~~formal~~ hearing, and

(4) state the remedy the ~~petitioner~~ appellant is seeking.

(d) Upon receipt of the ~~petition~~ a request for a hearing from the cited person or entity, the enforcement agency shall set a time and place for the ~~formal~~ hearing ~~and~~, shall provide the ~~petitioner~~ appellant with written notice of the scheduled time and place of the hearing, and shall provide a statement of the agency's selection of the informal hearing procedures to be applied at the hearing. The enforcement agency shall include a copy of the agency's informal hearing procedures, as required pursuant to Government Code sections 11425.10 and 11445.30.

(1) The enforcement agency shall provide the time and place of the hearing in a written notice to the appellant within fifteen (15) working days of receipt of the request.

~~(1)(2)~~ The ~~formal~~ hearing shall commence within ~~ten (10) working days~~ fifteen (15) working days of the date of the ~~petition~~ written notice of the scheduled hearing sent by the enforcement agency.

~~(2)~~ (3) The ~~petitioner~~ appellant shall have the right to apply to the enforcement agency for the postponement of the date of the ~~formal~~ hearing for a reasonable amount of time. The ~~petitioner~~ appellant shall provide a good-cause reason for the request.

~~(3)~~ (4) The enforcement agency shall grant a request for postponement if it determines that the ~~petitioner~~ appellant has good-cause reason for the postponement.

(e) ~~The formal hearing shall provide the petitioner with the opportunity to be heard and to show cause why the notice of violation should be modified or withdrawn.~~

~~(1) The petitioner shall be entitled to call witnesses to testify at a formal hearing.~~

~~(2) The petitioner shall be entitled to be represented by legal counsel at a formal hearing.~~

(f) ~~Within ten (10) working days of the formal hearing, the enforcement agency shall provide in writing a final, formal order to the petitioner. The final, formal order shall:~~

~~(1) sustain, modify, or withdraw the notice of violation issued pursuant to section 18420 of the Health and Safety Code, and~~

~~(2) shall clearly state the enforcement agency's findings upon which the final, formal order is based. In the event that a cited violation constitutes an imminent hazard representing an immediate risk to life, health and safety of persons or property which requires immediate correction, a hearing shall not be permitted and a request for a hearing shall not extend the time for the correction of the violation.~~

~~(f) Upon receipt of the request for hearing from the cited person or entity, the enforcement agency shall not initiate any judicial or administrative action related to the defect or defects appealed until after the hearing. However, if the defect or defects cited become an imminent hazard representing an immediate risk to life, health, and safety of persons or property which require immediate correction, the enforcement agency may cancel the hearing, demand immediate abatement or correction, and initiate any appropriate judicial or administrative action related to the defect or defects.~~

~~(g) If the request for hearing is not received within ten (10) days from the date of personal service or acknowledgment of receipt by mail of the notice, the enforcement agency shall have the discretion to continue abatement proceedings.~~

NOTE: Authority cited: Sections 18300~~and~~ 18421, and 18605 Health and Safety Code. Reference: Sections 18402, 18403, 18420, 18421, and ~~18513~~ 18605 Health and Safety Code.

### **§ 1757 Hearing.**

(a) At the time and place of the hearing, the hearing officer shall hear the testimony of, and accept evidence from the following: the legal owner of the property or park owner or operator, the cited person or their respective representative, and any other person with information or testimony relevant to the final notice to abate. The testimony shall be limited to the violations identified in the cited unit, structure, or property. Prior to the hearing, the enforcement agency shall provide all evidence supporting the abatement action to the hearing officer. If requested by the hearing officer, the appellant also may provide written information prior to the hearing, concurrent with a copy to the enforcement agency's representative identified by the hearing officer.



(b) The hearing shall provide the appellant with the opportunity to be heard by the hearing officer designated by the enforcement agency and to show cause why the notice of violation should be modified or withdrawn.

(1) The appellant shall be entitled to call witnesses to testify at the hearing.

(2) The appellant shall be entitled to be represented by legal counsel at the hearing.

(3) The hearing officer shall regulate the course of the proceeding.

(4) The hearing officer: shall permit the parties and may permit others to offer written or oral comments on the issues; may limit the use of witnesses, testimony, evidence, and argument; and may limit or eliminate the use of pleadings, intervention, discovery, prehearing conferences and rebuttal, consistent with Government Code sections 11445.10 and 11445.40.

(c) If the appellant does not appear at the hearing, the enforcement agency shall have the authority to proceed immediately with administrative or judicial action to secure compliance or abatement.

(d) Within ten (10) working days after the conclusion of the hearing, the hearing officer shall provide a final order to the appellant in the form of a written decision. The final order shall:

(1) sustain, modify, or withdraw the notice of violation, and

(2) shall clearly state the enforcement agency's findings upon which the final order is based.

The decision shall be mailed by first class mail to all parties to the hearing. If the decision sustains or modifies the final notice to abate, the hearing officer may establish new dates and compliance schedules.

(e) At the discretion of the hearing officer, the enforcement agency shall post a copy of the written decision in a conspicuous place on the property or unit..

NOTE: Authority cited: Sections 18300 and 18421, Health and Safety Code. Reference: Sections 18402, 18403, 18420, 18421, 18513 and 18605, Health and Safety Code.

#### **§ 1758. Petition to Review Order of Local Enforcement Agency following ~~Formal~~ a Hearing.**

(a) A ~~mobilehome~~ park owner or operator, or the registered owner of a unit ~~who~~ shall be entitled to petition the department to review and investigate, as necessary, the enforcement activities of the local enforcement agency if he or she:

(1) has received a notice of violation issued pursuant to ~~Health and Safety Code section 18420~~ by an enforcement agency other than the department; and

(2) has received a ~~final, formal~~ final order from the local enforcement agency following a ~~formal hearing~~, shall be entitled to petition the department to review and investigate, as necessary, the enforcement activities of the local enforcement agency hearing.

(b) The petition shall be in writing and shall include the following:

(1) a copy of the original notice of violation;

(2) a copy of the enforcement agency's written determination, if an informal conference was held;

(3) a copy of the enforcement agency's ~~final, formal~~ final order if a hearing was held; and

(4) a clear, concise explanation of the issues that the petitioner continues to dispute.

(c) The department shall ~~consider the petition in conjunction with~~ deem the petition to be a request to exercise the department's responsibility to monitor local enforcement activity pursuant to ~~subdivision (d)~~ of section 18306 of the Health and Safety Code.

(1) Within sixty (60) working days of the receipt of the petition, the department shall review the petition and provide the petitioner with written notice of whether the activities of the local agency require investigation by the department.

(2) If the department has determined that the activities of the local agency require investigation by the department, the written notice to the petitioner shall provide a time frame for the investigation.

(3) If the department investigates the enforcement activities of a local agency in response to one (1) or more petitions provided pursuant to subsection (a), the department shall notify each petitioner within sixty (60) days of the results of the department's investigation.

(d) If the department finds that the notice of violation, written determination, and/or ~~final, formal~~ order issued by the local enforcement agency reflect(s) non-enforcement or over-enforcement of the law, the department shall

initiate corrective action pursuant to the provisions of subdivision (d) of section 18300 of the Health and Safety Code.

(e) A petition filed pursuant to this section shall not extend the time for correction of the violation as provided in the original or any subsequent notice of violation issued by the local enforcement agency unless the department, based on the petition and materials submitted with the petition, determines there is a high likelihood that the local enforcement agency was incorrect in issuing the notice of violation.

NOTE: Authority cited: Sections 18300, and 18421, Health and Safety Code. Reference: Sections 18306, 18420, and 18421, Health and Safety Code.

### **§1759 Time to Bring Action**

Any cited person, owner, or other aggrieved person having any objections as to any proceedings or actions undertaken by the hearing officer conducting the hearing, or the enforcement agency in ordering abatement or correction of any violation, shall bring an action in any court of competent jurisdiction within thirty (30) days after receipt of the final order or decision. For the purposes of this section, "aggrieved person" or entity is any person that claims to have been injured by actions of the enforcement agency that would permit the person to file a lawsuit in court.

NOTE: Authority cited: Sections 18300 and 18605, Health and Safety Code. Reference: Section 18402, 18403, 18420, 18421, and 18605, Health and Safety Code.

## Special Occupancy Parks Chapter 2.2

### § 2002. Definitions.

(c) –C-

(1) Cabana. A freestanding accessory building or structure, or building component of an MH-unit, located immediately adjacent to and intended to increase the living area of that unit, which is a portable, demountable, or permanent room enclosure or other building erected or constructed for habitation. A cabana shall not exceed the size of the unit to which it is an accessory.

(2) California Building Code. California Code of Regulations, Title 24, Part 2, as adopted and published by the California Building Standards Commission.

(3) California Electrical Code. California Code of Regulations, Title 24, Part 3, as adopted and published by the California Building Standards Commission.

(4) California Fire Code. California Code of Regulations, Title 24, Part 9, as adopted and published by the California Building Standards Commission.

(5) California Mechanical Code. California Code of Regulations, Title 24, Part 4, as adopted and published by the California Building Standards Commission.

(6) California Plumbing Code. California Code of Regulations, Title 24, Part 5, as adopted and published by the California Building Standards Commission.

(7) California Residential Code. California Code of Regulations, Title 24, Part 2.5, as adopted and published by the California Building Standards Commission.

~~(78)~~ Camping Area. Any area or tract of land where one or more lots or campsites are rented or leased or held out for rent or lease to accommodate camping parties.

~~(89)~~ Camping Cabin. A relocatable hard-sided shelter, for use by a camping party, as defined in Health and Safety Code section 18862.5. All camping cabins are dependent units.

~~(910)~~ Camping Party. A person or group of not more than ten (10) persons occupying a campsite or camping cabin for not more than thirty (30) days annually.

~~(1011)~~ Campsite. A designated area or lot within an incidental camping area used for occupation by a camping party.

~~(1112)~~ Carport. An accessory structure, used for shade or weather protection for a vehicle or vehicles which shall be freestanding.

~~(1213)~~ Cited Person. A person or entity issued a notice of violation for a violation of this chapter or applicable laws who is responsible for its correction.

~~(1314)~~ Combustible. As applied to building construction is any material or construction which does not meet the criteria of noncombustible as defined in subsection (n) of this section.

~~(1415)~~ Common Area. An area, within the boundaries of the park, that is not specific to any lot or space and is under the ownership and control of the park.

~~(1516)~~ Commercial Modular. "Commercial modular" means a structure transportable in one or more sections, designed and equipped for human occupancy for industrial, professional, or commercial purposes, which is required to be moved under permit, and shall include a trailer coach as defined in section 635 of the Vehicle Code. "Commercial coach" has the same meaning as "commercial modular" as that term is defined in section 18001.8 of the Health and Safety Code.

~~(1617)~~ Concrete Block Pier. An assembly of load-bearing, concrete blocks with wooden wedges used to level a unit.

~~(1718)~~ Concrete Pier. A concrete load-bearing support that incorporates into its structure an adjustable means of raising and leveling the unit.

~~(1819)~~ Contractor. Any person as defined in Business and Professions Code section 7026 through 7026.3.

(g) –G-

(1) Gas Connector. A flexible connector, listed for exterior use, to convey gas from a gas riser outlet to the gas supply connection of a unit.

(2) Gas Piping, Main. A distribution line that serves as a common source of supply for more than one service line.

(3) Gas Piping System, Park. The pipe, equipment and related installations, outside of permanent buildings, units, or accessory buildings or structures, for distributing gas throughout the park.

(4) Gas Riser Outlet. That portion of a park gas line or gas piping system, extending above ground, serving a lot.

(5) Gas Service Line. The pipe, or that portion of a park gas piping system, extending from the main park gas line to the individual gas outlet serving a lot.

(6) Good Cause. What the enforcement agency would find to be a reasonable basis for failing to appear at the time and place scheduled for ~~a hearing, an informal conference, or formal hearing, conference or hearing; for~~ extending the date of an informal conference or hearing pursuant to section 2754 or 2756; or for not complying with a specified timeline.

(7) Gross Floor Area. The floor area enclosed within the surrounding exterior walls of a unit, accessory building or structure, or portions thereof. Where there are no walls, "gross floor area" means the usable area contained within the horizontal projection of the roof and floor.

(8) Guardrail. A vertical barrier erected along the open edges of a porch or other elevated area to prevent persons from falling to a lower level.

(h) –H-

(1) Habitable Room or Structure. Any structure or room within a structure meeting the requirements of this chapter for sleeping, living, cooking, or dining purposes, excluding such enclosed spaces as awning enclosures, closets, pantries, bath or toilet rooms, service rooms, connecting corridors, laundries, unfinished attics, foyers, storage spaces, unfinished cellars, utility rooms, and similar spaces.

(2) Handrail. A railing provided for grasping with the hand for support, erected along one or more edges of a stairway or ramp.

(3) Hearing. The informal hearing procedure of the enforcement agency conducted by the director or his or her designee, as the authorized representative of the enforcement agency pursuant to Government Code section 11445.20 subdivision (c), including, but not limited to, matters filed pursuant to Health and Safety Code sections 18865.3, 18866.3, 18866.4, 18867, 18868, and 18870.14.

(4) Hearing Officer. The authorized representative of the enforcement agency, or other official authorized to conduct hearings.

(s) –S-

(1) Sanitation Station, Recreational Vehicle. A plumbing receptor designed to receive the discharge of sewage holding tanks of self-contained recreational vehicles and which is equipped with a water hose connection for washing the receptor.

(2) Sewage Drain Lateral. That portion of the park sewage system that extends to an individual lot drain inlet.

(3) Sewage Drainage System. All the piping within or attached to the unit or accessory building or structure that conveys sewage or other liquid wastes to the drain outlet.

(4) Sewer, Park. That part of the park sewage drainage system beginning at the lot drain inlet or from a point two (2) feet downstream from a permanent building drain connection and terminating at the public sewer or private sewer disposal system.

(5) Shall. "Shall" means required, and includes "must" and "will".

(6) Signed. When required by this chapter to verify a permit, plans, or other document, means use of an original or "wet" stamp or signature, or both, of the architect, engineer, or other person verifying the plan, permit, or other document. When such verification is not required by this chapter, an enforcement agency shall not require an original or "wet" stamp or signature, or both.

~~(7)~~ Skirting. Material used to enclose or partially enclose the area under a unit or accessory building or structure.

~~(7)~~~~(8)~~ Standard Plan Approval (SPA). A plan approved by the department, for an accessory building or structure, an engineered tiedown system, or a commercial modular foundation system, to be installed or constructed on a repetitive basis, for the purpose of obtaining a construction permit through an enforcement agency.

~~(8)~~~~(9)~~ Stairway. A step or any configuration of steps or risers where the run (length) of an individual tread or step does not exceed thirty (30) inches, and which is designed to enable passage from one elevation to another.

~~(9)~~~~(10)~~ Steel Pier. A steel support that incorporates into its structure an adjustable means of raising and leveling the unit or accessory building or structure that the pier supports.

~~(10)~~~~(11)~~ Storage Building. An accessory building that may exceed ten (10) feet in height or one hundred twenty (120) square feet of gross floor area located on a lot, designed and used solely for storage of the personal equipment and possessions of the unit's occupants. The construction of a storage building shall comply with the California Building Standards Code, and a permit to construct is required from the enforcement agency.

~~(11)~~~~(12)~~ Storage Cabinet. An accessory structure, not exceeding ten (10) feet in height or one hundred twenty (120) square feet of gross floor area, located on a lot, designed and used solely for the use and storage of the personal equipment and possessions of the unit's occupants.

~~(12)~~~~(13)~~ Support. The entire pier and footing assembly, used to transfer the loads of a unit, accessory building or structure, or building component to the ground.

~~(13)~~~~(14)~~ Support System. A system of supports, which sustains the vertical loads of a unit, accessory building or structure, or building component. A support system does not include a foundation system.

NOTE: Authority: Section 18865, 18865.05, 18865.3 and 18873, Health and Safety Code. References: Sections 18007, 18008, 18008.5, 18008.7, 18009.3, 18010, 18013.4, 18861, 18862, 18862.15, 18862.33, 18862.35, 18865.3, 18866.3, 18866.3, 18866.4, 18867, 18868, 18870.14, 18871.4, 18872, 18872.2, 18873, 18873.1, 18873.2, 18873.3, 18873.4, 18873.5, and 18909, Health and Safety Code.

## **§ 2008. Annual Permit to Operate Fees.**

(a) Permit to operate fees shall be as follows:

- (1) Annual permit to operate fee of twenty-five dollars (\$25); and
- (2) an additional two dollars (\$2) per lot, or per campsite; and
- (3) an additional four dollars (\$4) per manufactured home or mobilehome lot; and
- (4) A state fee as contained in Table 2008-1.

Table 2008-1	
Number of Lots or Campsites	State Fee
2-19	\$40
20-49	\$75
50-99	\$175
100-249	\$400
250-499	\$800
500 or more	\$1,600

(b) The state fee is required to be paid annually.

(c) A permit to operate fee of twenty-five (\$25), with no additional fee for the lots, is required to operate a temporary recreational vehicle park.

(d) When a city or county assumes responsibility for enforcement in accordance with section 2004 of this chapter, it shall bill the parks for the permit to operate on a calendar year with the park permit to operate valid

from January 1<sup>st</sup> through December 31<sup>st</sup>. Upon transfer, the next year's billing will be prorated to account for the difference in the billing cycle.

NOTE: Authority cited: Sections 18865 and 18870.2, Health and Safety Code. Reference: Sections 18870.2 18870.3, and 18870.6 Health and Safety Code.

### **§ 2013. Emergency Preparedness Plans**

(a) Every park shall adopt an emergency preparedness plan and notify park residents how to obtain a copy of the plan. In order to obtain a permit to operate, the information in subsections (c) and (d) must be submitted to the enforcement agency upon renewal of a permit to operate after September 10, 2010, or the issuance of the initial permit for a new park, whichever comes first.

(1) After a plan is approved by the enforcement agency, it is not necessary to provide the enforcement agency with future copies unless conditions described in the plan have changed (e.g. roadway changes, addition of lots, floodplain changes, etc.).

(b) The emergency preparedness plan shall be one of the following:

(1) adopting the emergency plans and procedures contained in the Standardized Emergency Management System Advisory Board's booklet of November 21, 1997, entitled "Emergency Plans for Mobilehome Parks," published by the former Office of Emergency Services or any subsequent version, or

(2) a plan developed by park management comparable to the plans and procedures contained in the booklet described in subparagraph (1) above.

(c) Documentation submitted to the enforcement agency to obtain a permit to operate shall include at a minimum of the following:

(1) a copy of the plan available to the residents;

(2) the location of the posted notice in the park describing how the residents may obtain the plan;

(3) a copy of the notice distributed to residents that identifies additional state and local agencies' individual emergency preparedness information including, but not limited to, the California Emergency Management Agency;

(4) written verification by the park operator that all residents have received written notification on how to obtain a copy of the plan and the information required in subsection (c)(3).

(d) At a minimum the following items should be included in a park's emergency preparedness plan to be deemed consistent with or comparable to the "Emergency Plans for Mobilehome Parks" booklet, the standard defined in Health and Safety Code 18871.8.

(9) Maps showing evacuation routes out of the park including all exits and alternate routes and exits.

(10) The elevation of the park property if the park is in a floodplain.

(11) Type of disasters common to the area.

(12) How residents may obtain a copy of the plan.

(13) General information regarding types of disasters such as floods, earthquakes, fires, and other emergencies.

(14) Contact information for emergency government agencies including the California Emergency Management Agency (CalEMA), local fire and police department and community assistance organizations such as the American Red Cross, or other emergency agencies' contact information.

(15) Local emergency broadcast station frequencies.

(16) Information on how residents may obtain additional materials for establishing an individual household emergency plan, individual household emergency supply kits, and individual home safety recommendations.

(e) Park management is not responsible for physically evacuating residents from their homes and park residents must take personal responsibility for themselves during an emergency. Residents that may need assistance in the event of an evacuation should make prior arrangements to have that assistance available.

NOTE: Authority cited: Section 18865, Health and Safety Code. Reference: Sections 18870, and 18871.8, Health and Safety Code.

### **§ 2018. Permits Required.**

(a) No person shall erect, construct, reconstruct, install, replace, relocate or alter any building, structure, camping cabin, accessory building or structure, or building component; any electrical, mechanical, or plumbing equipment; any fuel gas equipment and installations, or fire protection equipment; or installations of, or within, a park, or a lot, or perform any non-load bearing grading or area fill with a depth of one (1) foot or greater, unless exempted from obtaining a grading permit pursuant to Appendix J of the California Building Code, without first obtaining a written construction permit from the enforcement agency.

(b) No person shall create or change a lot line within a park without first obtaining a permit from the enforcement agency pursuant to the requirements of section 2105 of this chapter.

(c) Any person issued a notice indicating violations pursuant to this section shall obtain the required permit from the enforcement agency and provide the appropriate fees as prescribed in this article.

(d) The enforcement agency shall not require a permit to construct for the following work, when the construction is performed in a workmanlike manner, does not present a hazard, and otherwise complies with the requirements of this chapter:

- (1) Minor maintenance and repair including replacement of existing utility metering devices.
- (2) The installation of a storage cabinet on a lot.
- (3) Construction or installation of a stairway having a landing twelve (12) square feet or less.
- (4) A landing not more than twelve (12) square feet in area.
- (5) Construction or installation of removable insect screening, flexible plastic or canvas type material used as an awning or as awning or carport enclosures.
- (6) Construction or installation of a retaining wall less than four (4) feet in height measured from the bottom of the footing to the top of the wall, ~~unless it is supporting a surcharge. For the purpose of this section, a surcharge is any load imposed in addition to the normal soil load.~~
- (7) Construction or installation of a patio, as defined in section 2002(p)(3).
- (8) Fences not over six (6) feet high.

NOTE: Authority cited: Section 18865, Health and Safety Code. Reference: Sections 18870, 18870.8, 18872 and 18872.1, Health and Safety Code.

### **§ 2052. Closing a Park.**

(a) In addition to the requirements of any other provisions of law, regulation, or applicable local ordinances, when an owner of a park chooses to close a park, in order for the enforcement agency to deem the park closed, the following procedures are required.

(1) Electric and gas services shall be disconnected by the serving utility at the service entrance to the property.

(2) Lot utility equipment must be rendered unusable or removed.

(3) All sewer connections must be capped with gas-tight covers.

(4) Septic systems must be prepared for abandonment in accordance with local health department requirements.

(5) Once the park is totally vacant, a Technical Service Fee shall be paid pursuant to section 2017, and a physical inspection performed by the enforcement agency verifying that the lots are not, and may not be, occupied.

(b) When the closed park is under the authority of a local enforcement agency, that agency shall notify the department within 30 days following verification that the park is closed.

(c) If a closed park is to be reopened, the person or entity proposing to reopen the park shall comply with the requirements of sections 2006.5, 2018 and 2032 of this chapter.

NOTE: Authority cited: Sections 18865, 18870.3, 18871.10, and 18872, Health and Safety Code. Reference: Sections 18870.3, 18870.4, 18871.10, and 18872 Health and Safety Code.

#### **§ 2104. Lot Address Identification and Lot Line Marking**

- (a) All lots shall be identified by letters, numbers, or street address numbers. The lot identification shall be in a conspicuous location facing the roadway.
- (b) All lots shall be defined by permanent corner markers. Corner markers shall be visible at grade and shall be installed in a manner that does not create a hazard.
- (c) Permanent corner markers shall be any of the following:
- (1) Pressure-treated wood, or wood of natural resistance to decay and insects, as determined in the California ~~Building Residential Code, Chapter 23, section 2302~~, at least two (2) inches by two (2) inches in nominal dimension, driven into the ground to a depth of at least eighteen (18) inches, or six (6) inches if it is surrounded by a concrete pad at least four (4) inches in diameter and at least six (6) inches in depth.
  - (2) Metallic pipe or rods protected from corrosion by galvanizing, paint, or a protective coating which resists corrosion, and is driven into the ground to a depth of at least eighteen (18) inches, or is driven into the ground to a depth of at least six (6) inches when it is surrounded by a concrete pad at least four (4) inches in diameter and at least six (6) inches in depth.
  - (3) Schedule 40 or better PVC, ABS, or CPVC pipe driven into the ground to a depth of at least eighteen (18) inches, or driven into the ground to a depth of at least six (6) inches when it is surrounded by a concrete pad at least four (4) inches in diameter and at least six (6) inches in depth.
  - (4) Saw cuts, blade marks, or scribe marks in a concrete or asphalt curb or roadway which are different in depth and nature than expansion joints.
  - (5) A nail with either a metal washer or surveyor's marker, which is either driven or embedded into concrete or asphalt, curbs or streets.
- (d) To determine the edge of a lot bordering a roadway with curbing, the lot ends at the beginning of the curbing; curbing is part of the roadway.
- (e) Lot lines identifying individual lots or campsites are not required in an incidental camping area or temporary recreational vehicle park; however, the general locations where camping or parking will be permitted shall be shown on the map or plot plan of the incidental camping area or temporary recreational vehicle park.

NOTE: Authority cited: Section 18865, Health and Safety Code. Reference: Sections 18872, 18872.1 and 18872.2, Health and Safety Code.

#### **§ 2118. Lot Occupancy.**

- (a) Parks shall accommodate only recreational vehicles, tents, and camping cabins.
- (b) A manufactured home or mobilehome shall not be located or installed in a park except for use by persons employed in the management or operation of the park.
- ~~(c) In no case shall a truck mounted camper be occupied if removed from the truck.~~
- ~~(d)~~ A permanent building, garage, cabana, or storage building shall not be constructed or installed on any lot in a park.
- ~~(e)~~ Lot occupancy shall not exceed the number of persons in a camping party as defined in section 18862.7 of the Health and Safety Code.
- ~~(f)~~ When the provisions of this section allow two units or tents on a single lot, the separation requirements contained in subsection 2330(a) do not apply to the units or tents on that lot.
- ~~(g)~~ The following shall apply to lots in parks designed to accommodate recreational vehicles.
- (1) Except as provided in paragraph (2) of this section, lot shall accommodate no more than:
    - (A) one (1) recreational vehicle and one (1) tent, or
    - (B) one (1) camping cabin, or
    - (C) two (2) tents, or
    - (D) one (1) manufactured home or mobilehome used in accordance with subsection(b).
  - (2) When used as a frequent means of transportation, a self-propelled recreational vehicle or truck mounted camper may be parked beside an occupied unit. That vehicle shall not be occupied or connected to the lot's utility facilities or interconnected with the occupied unit.



(h-g) The following shall apply in parks designated as incidental camping areas.

(1) An incidental camping area shall accommodate only recreational vehicles, tents, or campers furnishing their own camping equipment.

(2) A cabana, ramada, garage, or permanent building shall not be constructed, or installed, on any campsite in an incidental camping area.

(3) An incidental camping area campsite shall accommodate no more than:

(A) two (2) recreational vehicles, or

(B) one (1) camping party, or

(C) two (2) tents, or

(D) one (1) recreational vehicle and one (1) tent, or

(E) one (1) camping cabin.

(h-h) The following shall apply in parks designated as tent camps.

(1) A recreational vehicle shall not be permitted to occupy a tent lot or campsite.

(2) Occupancy of lots or campsites is limited to one camping party which may be permitted to occupy not more than two tents on the lot or campsite.

(3) Accessory buildings or structures shall not be constructed, or installed, on any campsite or tent lot in a tent camp.

(i-i) The following shall apply in parks designated as temporary recreational vehicle parks.

(1) A temporary recreational vehicle park shall accommodate only recreational vehicles and tents.

(2) Accessory buildings or structures shall not be constructed, or installed, on any lot, or campsite.

(3) A temporary recreational vehicle park lot shall accommodate no more than:

(A) two (2) recreational vehicles, or

(B) one (1) camping party, or

(C) two (2) tents, or

(D) one (1) tent and one (1) recreational vehicle.

NOTE: Authority cited: Sections 18865, 18865.05, and 18865.3 Health and Safety Code. Reference: Sections 18871, 18871.3, 18872, 18873, 18873.1 and 18873.5, Health and Safety Code.

#### **§ 2119. Truck Campers Occupied Off a Vehicle.**

No person shall occupy a truck camper, as defined in Health and Safety Code section 18013.4, that has been dismantled from a truck or other vehicle, unless all of the following requirements are met:

(a) The park's rules allow truck camper occupancy while removed from the truck or other vehicle.

(b) The truck camper is equipped with a permanently mounted jack on each of its four (4) corners that is capable of adequately supporting both the camper and occupant loads.

(c) Each truck camper jack shall be placed on a footing that has a minimum ground contact of at least sixty-four (64) square inches that complies with the loads, materials and dimensions as described in subsection 2334(e) of this chapter.

(d) Immediately upon removal from the truck or other vehicle, the truck camper shall be lowered to no more than twelve (12) inches and no less than six (6) inches from the ground at its lowest point and shall be reasonably level.

(e) The truck camper shall not remain in the park in a dismantled state for more than thirty (30) consecutive days or a period of time established in the written rules of the park, whichever is less.

(f) The owner or occupant of the truck camper shall have a readily available, operable vehicle on which to remount the truck camper if the dismantled truck camper becomes unstable or for removal from the park.

NOTE: Authority cited: Section 18865, 18871.10, and 18872, Health and Safety Code. Reference: Sections 18013.4, 18865.3, 18871.10, and 18872 Health and Safety Code.

### § 2211. LPG Tanks.

(a) LPG tank installations in parks must conform to the provisions related to LPG tanks contained in Chapter 38 of the California Fire Code.

(b) Units designed and constructed with securely mounted tanks may be served by either the lot or mounted tanks, but not by both at the same time.

(c) A permit from the enforcement agency is required to install any LPG fuel tank exceeding 60 U. S. gallons.

(d) LPG tanks shall be designed and constructed in accordance with nationally recognized standards for unfired pressure vessels.

(e) LPG tanks shall be securely, but not permanently, fastened to the mobilehome or recreational vehicle hitch or a substantial post to prevent accidental overturning.

(f) All LPG tanks located in a floodplain as designated by the local floodplain management agency, shall be securely anchored to prevent flotation.

NOTE: Authority cited: Section 18865, Health and Safety Code. Reference: Section 18873.4, Health and Safety Code.

### § 2334. Accessory Structure Support Piers and Footings.

(a) Load bearing piers shall be constructed of rust resistant materials or treated to resist rust ~~and designed and constructed in accordance with the design requirements of California Building Code, Part 2, Chapters 16, 19, 21, 22 and 23.~~ The required load bearing capacity of individual support piers and their footings shall be calculated at not less than a combined live and dead load of seventy-five (75) psf, based on roof live and dead load of twenty-five (25) psf and floor live and dead load of fifty (50) psf of the accessory structure.

(b) Load bearing piers, other than concrete block piers, shall be tested to determine the safe operating load. The tests shall be conducted by testing agencies approved by the department. Testing agencies shall provide a pier testing report to the department upon completion, regardless of the testing results. A unique number provided by the testing agency shall identify each test report. The following testing procedures shall be used:

(1) A compression test shall be performed on three (3) piers of the same height and construction, selected randomly at the pier manufacturing facility by a representative of the testing agency.

(A) The compression test shall be performed on piers with all required design assemblies installed, such as adjustable tops, clamps, securement devices or similar assemblies.

(B) The selected piers shall be subjected to the compression test with each pier, fully assembled as will be installed, placed squarely on a firm base, and tested to its failure point. The compression test shall be measured in psf. Support pier failure will be established when the support bends, cracks, buckles or deflects to an unsafe level as determined by the approved testing agency.

(C) The safe operating load of a support pier is one-third ( $\frac{1}{3}$ ) the average of the three (3) failure tests.

(2) When piers differ in height or construction, design tests and evaluations must be performed on each type of pier.

(c) Tested load bearing piers other than concrete block piers shall be listed and labeled as follows:

(1) Listing of piers shall be conducted by listing agencies approved by the department.

(A) The listing agency shall conduct manufacturer facility audits and prepare finding reports not less than once per year. The audit report will include, at a minimum:

(i) the review of pier construction for compliance with manufactured designs as approved by the testing agency,

(ii) the materials used in its construction including type, size, and weight,

(iii) the manufacturer's quality control program, if applicable, and

(iv) the label application and label control process.

(B) The listing agency shall provide an annual report of its approval and audit findings.

(2) Pier supports shall display a legible permanent label of approval, visible when the pier support is installed.

The label shall contain the following information:

(A) Manufacturer's name,

(B) Listing agency name,

- (C) Listing number issued by the listing agency,
- (D) Testing agency's approved operating load, and
- (E) Testing agency's test report number.

(d) Individual load bearing footings may be placed on the surface of the ground, and shall be placed level on cleared, firm, undisturbed soil or compacted fill. Where unusual soil conditions exist, as determined by the enforcement agency, footings shall be designed to compensate for such conditions. The allowable loading on the soil shall not exceed one-thousand ~~five-hundred (1,000)~~ (1,500) psf unless data to substantiate the use of higher values is approved by the enforcement agency.

(e) Footings shall be adequate in size to withstand the tributary live and dead loads of the accessory structure and any concentrated loads. The length to width ratio of the footing shall not exceed two and one-half (2½) to one (1). Individual footings for load bearing supports or devices shall consist of one of the following:

(1) Pressure treated lumber which meets the following requirements:

(A) Not less than two-inch nominal thickness with a minimum of twenty-five (25) percent of the individual footings identified by an approved listing agency, as being pressure treated for ground contact.

(B) Knots. Well spaced knots of any quality are permitted in sizes not to exceed the following or equivalent displacement:

Nom. Width	Any Location	Holes (Any Cause)	One Hole or Equivalent Per Piece
6"	2 3/8"	1 1/2"	
8"	3"	2"	
10"	3 3/4"	2 1/2"	
12"	4 1/4"	3"	
14"	4 5/8"	3 1/2"	

(C) Splits. In no case exceed one-sixth (1/6) the length of the piece.

(D) Honeycomb or Peck. Limited to small spots or streaks of firm honeycomb or peck equivalent in size to holes listed in (B) above.

(2) Precast or poured in place concrete footings not less than three and one-half (3½) inches in thickness. The concrete shall have a minimum twenty-eight (28) day compressive strength of not less than two-thousand-five-hundred (2500) psi.

(3) Other material, approved by the department, providing equivalent load bearing capacity and resistance to decay.

(f) Individual load bearing piers or devices and footings shall be designed and constructed with sufficient rigidity and bearing area to evenly distribute the loads carried over one-third (⅓) the area of the footings as measured from the center of the footing. When two (2) or more two (2) inch nominal wood pads placed side-by-side on the ground are used as a pier footing, a single wood cross pad must be installed on top of the ground contact pads at a ninety (90) degree angle so as to place the directional wood grains opposing to each other. The cross pad must be of a length to cover each ground contact pad and be of two (2) inch nominal thickness. Footings shall be constructed of sufficient rigidity to evenly distribute the loads carried to the ground without bowing or splitting.

(g) When multiple wood footings are stacked, they shall be secured together with corrosion resistant fasteners at all four (4) corners of the pad which will penetrate at least eighty (80) percent of the base pad to prevent shifting.

NOTE: Authority cited: Sections 18865, Health and Safety Code. Reference: Sections 18865, Health and Safety Code.

#### **§ 2346. Skirting Design and Construction..**

(a) Where the space beneath an accessory structure is enclosed, there shall be provided a removable access panel opening a minimum of eighteen (18) inches by twenty-four (24) inches unobstructed by pipes, ducts, or other equipment that may impede access. The access panel shall not be fastened by any means requiring the use of a special tool or device to remove the panel.

(b) Cross ventilation shall be provided by openings having a net area of not less than one and one-half (1½) square feet for each twenty-five (25) linear feet of the accessory structure and including all ~~enclosed unventilated skirted~~ structures. The openings shall be provided on at least the two (2) opposite sides along the greatest length of the unit and shall be installed as close to all the corners as practicable.

(c) When wood siding or equivalent home siding products are used as ~~underfloor enclosure skirting~~ material, the installation shall comply with the siding manufacturer installation instructions. Where siding manufacturer installation instructions are not available, the installation shall conform to the provisions of the California ~~Building Residential Code~~. All wood products used in ~~underfloor enclosure skirting~~ construction located closer than six (6) inches to earth shall be treated wood or wood of natural resistance to decay. Where located on concrete slabs placed on earth, wood shall be treated wood or wood of natural resistance to decay.

(d) When skirting is installed on a unit or accessory structure in a floodplain as designated by the local floodplain, management agency, the skirting shall be either:

(1) a flexible material that will not impede the water flow, or

(2) if constructed of rigid materials, have openings totaling one (1) square inch of opening for every one (1) square foot of enclosed area. The bottom of these openings shall not be more than one (1) foot above grade.

Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

NOTE: Authority cited: Section 18865, Health and Safety Code. Reference: Sections 18871.10, Health and Safety Code.

#### **§ 2426. Accessory Buildings or Structures and Building Components Installed in Fire Hazard Severity Zones.**

(a) Accessory buildings or structures or building components constructed or installed in parks in a State Responsibility Area Fire Hazard Severity Zone or a local Very-High Fire Hazard Severity Zone, as indicated on the California Department of Forestry and Fire Protection's Fire Hazard Severity Zone Maps, shall comply with ~~the~~ Title 24, Part 2.5, Chapter 3, section R327 of the California Residential Code (CRC) which is hereby incorporated by reference with the exception of the following provisions: Sections R327.1.5, R327.2 (Fire Protection Plan) and R327.3.6. Standards of Quality as defined in section 703A and the Materials, Systems, and Methods of Construction as defined in the section 704A of the California Building Code, Title 24, Part 2 Chapter 7A.

(b) Accessory buildings or structures or building components constructed or installed outside of parks in a State Responsibility Area Fire Hazard Severity Zone, a local Very-High Fire Hazard Severity Zone, or a local Wildland-Urban Interface Fire Area shall comply with the provisions of the ~~California Building Code~~ CRC, Title 24, Part ~~2.5~~, ~~Chapter 7A~~ 3, section R327.

NOTE: Authority cited: Sections 18865 and 18873.5, Health and Safety Code. Reference: Section 18873.5.

#### **§ 2429. Required Exits.**

(a) An awning enclosure may be constructed or installed to enclose an emergency exit window from a sleeping room within a unit provided the enclosed area adjacent to the emergency exit window has a door not less than twenty-eight (28) inches in width and seventy-four (74) inches in height providing direct access to the outside. The exit doorway from the enclosed accessory building or structure, or building component shall comply with the exit illumination requirements contained in the California ~~Building Residential Code~~ and lighting outlet requirements contained in the California Electrical code.

(b) An awning enclosure which encloses a required exit from the unit shall have a doorway complying with subsection (a) located as close as possible to that exit. If more than one exit is enclosed, the enclosure shall be provided with the same number of exit doorways that comply with subsection (a) as close as possible to the existing unit exits.

(c) An awning enclosure that encloses a required exit shall not be divided with interior walls or barriers unless the divided areas contain additional exit doors serving the divided areas that comply with subsection (a).

NOTE: Authority cited: Section 18865, Health and Safety Code. Reference: Sections 18871.3 and 18872, Health and Safety Code.

#### **§ 2432. Construction.**

(a) Construction and installation of accessory buildings or structures or building components shall comply with the structural requirements ~~for permanent buildings of the California Residential Code~~, except as otherwise provided by this article. The enforcement agency may require that accessory buildings and structures or building components be designed and constructed to withstand live loads, vertical uplift or horizontal forces from any direction in excess of the minimum loads specified in this chapter, based on local geologic, topographic, or climatic conditions, when approved by the department.

(b) Accessory buildings and structures constructed of aluminum or aluminum alloy shall be designed to conform to the specifications contained in the California ~~Building Residential Code, Chapter 20.~~

(c) Unless data to substantiate the use of higher values is submitted to the enforcement agency, the allowable loading of accessory buildings and structures or building components on the soil shall not exceed one-thousand ~~five-hundred (1,000)~~ (1,500) psf vertical soil bearing pressure, one hundred fifty (150) psf of depth lateral soil bearing pressure, and one hundred sixty-seven (167) psf frictional resistance for uncased cast-in place concrete piles.

NOTE: Authority cited: Section 18865, Health and Safety Code. Reference: Sections 18871.3 and 18873, Health and Safety Code.

#### **§ 2468. Awning-Design and Construction.**

(a) An awning and its structural parts, except cloth, canvas, or similar flexible materials, shall be designed, constructed, and erected to adequately support all dead loads plus a minimum vertical live load of ten (10) psf except that snow loads shall be used where snow loads exceed this minimum. Requirements for the design of awnings necessary to resist minimum horizontal wind pressure are contained in the California ~~Building Residential Code Appendix Chapter 31.~~

(b) Awnings shall be completely freestanding and shall not transmit any loads to a recreational vehicle.

Exception: portable awnings constructed of cloth, canvas, or other flexible material may be attached to the unit.

(c) Flashing or sealing materials may be used to provide a weather seal between a freestanding awning and a unit. No separation is required between a freestanding awning and an attached awning located on the same lot.

NOTE: Authority cited: Section 18865, Health and Safety Code. Reference: Section 18871.3, Health and Safety Code.

#### **§ 2474. Awning-Enclosures.**

(a) Awning enclosures shall be used only for recreational or outdoor living purposes and shall not be used as carports or storage rooms nor shall they be constructed or converted for use as a habitable room or a cabana.

(b) Combustible material used for awning enclosures shall not be installed within three (3) feet of the lot line pursuant to section 2428 of this chapter.

(c) Awnings may be enclosed or partially enclosed as follows:

(1) With insect screening or removable flexible plastic material. Awning drop or side curtains shall not be permanently fastened at the sides or bottom (A permit to construct is not required).

(2) With rigid, readily removable transparent, or translucent materials.

(3) Awnings may be partially enclosed with solid, opaque panels, provided the panels do not exceed fifty (50) percent of the total wall area.

(4) When an awning is completely enclosed with rigid material, fifty (50) percent of the total wall area shall be translucent or transparent material, of which twenty-five (25) percent of the total wall area shall be able to be opened for ventilation. Exiting requirements shall meet the requirements for a cabana.

(d) Where an awning is erected or constructed immediately adjacent to or over a permanently constructed retaining wall of fire resistant material, there shall be not less than eighteen (18) inches clear ventilating opening between the underside of the awning roof and the top of the wall extending the full length of the awning.

(e) An awning shall not be enclosed unless the enclosure is designed and constructed as a freestanding structure or unless the awning is designed and constructed to withstand the additional forces imposed by the enclosure.

(f) The construction requirements for awning enclosures are contained in the California Building-Residential Code-Appendix Chapter 31.

(g) Heating, cooking, or fuel burning appliances or equipment shall not be installed or used within an awning enclosure.

(h) An awning enclosure shall be separated from the unit's interior by walls, windows, doors, or sliding glass doors.

(i) When an exit from the unit is enclosed, the exit from the enclosure shall satisfy the exit and lighting requirements contained in section 2429 of this chapter.

NOTE: Authority cited: Section 18865, Health and Safety Code. Reference: Sections 18871.3 and 18872, Health and Safety Code.

#### **§ 2498 Landing, Porch, and Stairway-Design and Construction.**

(a) Requirements for the design and construction of all structural elements of porches and stairways and railings are contained in the California Building-Residential Code, except as otherwise provided by this article. Live loads applicable to porch floors and stairways shall be not less than forty (40) psf. Porches shall be designed and constructed as completely freestanding, self-supporting structures. Except as otherwise provided in this article, stairways and ramps shall be a minimum of thirty-six (36) inches in width.

(b) Where a door of the unit swings outward onto a landing or porch:

(1) The floor of the exterior landing or porch shall be not more than one (1) inch lower than the bottom of the door; and

(2) The width and depth of the exterior landing or porch serving stairs perpendicular to any outswinging door opening shall comply with subsection (a) of this section and shall not be less than the full width of the door when open at least ninety (90) degrees. Guard rails shall permit the door to open at least ninety (90) degrees.

(c) Where the unit door swings inward or is a sliding door, the landing, porch, or top step of the stairway may not be more than seven and one-half (7½) inches below the door. The width of the landing, porch, or top step of the stairway shall comply both with subsection (a) of this section and not be less than the width of the door opening. A landing or porch is not required when the stairway has a straight run up to the door opening.

(d) The stairway may be capable of being relocated and need not be secured to the lot.

NOTE: Authority cited: Sections 18865, 18865.05, and 18873, Health and Safety Code. Reference: Section 18871.3, Health and Safety Code.

#### **§ 2500 Porch and Stairway-Foundation.**

(a) Porches may be supported on piers in lieu of continuous footings. Individual piers shall be designed and constructed to evenly distribute the loads carried to the footings.

(b) Support footings shall comply with the requirements of either section 2334 of this chapter or the California Building-Residential Code.

NOTE: Authority cited: Section 18865, Health as Safety Code. Reference: Section 18871.3, Health and Safety Code.

#### **§ 2502 Porch-Guardrails.**

Guardrails shall be provided around the perimeter of porches and decks which are thirty (30) inches or more above grade. The requirements for porches and guardrails are contained in the California Building-Residential Code, except as otherwise provided in this chapter.

NOTE: Authority cited: Section 18865, Health as Safety Code. Reference: Section 18871.3, Health and Safety Code.

#### **§ 2504 Stairway-Handrails.**

(a) Every stairway with four (4) or more risers, or stairways exceeding thirty (30) inches, shall be equipped with handrails and intermediate rails for the entire length of the handrail.

(b) Handrails with a circular cross-section shall have an outside diameter of at least one and one-quarter (1.25)

inches and not greater than two (2) inches or shall provide equivalent grasping ability. If the handrail is not circular, it shall have a perimeter dimension of at least four (4) inches and not greater than six and one-quarter (6.25) inches with a maximum cross-sectional dimension of two and one-quarter (2.25) inches. Edges shall have a minimum radius of one-hundredth (0.01) inch.

(c) The ends of handrails shall be rounded, extend to the edge of the last step, and shall not project more than three (3) inches beyond the last handrail support post.

(d) The requirements for stairways and handrails are contained in the California ~~Building~~ Residential Code, except as otherwise provided in this chapter.

NOTE: Authority cited: Sections 18865, 18865.05, 18871.3, and 18873, Health and Safety Code. Reference: Section 18871.3, Health and Safety Code.

#### **§ 2506. Ramps and Handrails.**

When a ramp and handrail are to be constructed in place of a stairway, the requirements for the design and construction of the ramp and handrail are contained in the California ~~Building~~ Residential Code, except as otherwise provided in this chapter.

NOTE: Authority cited: Section 18865, Health and Safety Code. Reference: Section 18871.3, Health and Safety Code.

### **Article 10. Violations, Complaints, ~~Abatement~~, and ~~Hearings~~ and Abatement.**

#### **§ 2612. Final Notice Requirements and Appeals.**

(a) If the initial notice from the enforcement agency has not been complied with on or before the date specified in the notice, the enforcement agency may institute proceedings against the cited person or entity.

(1) The enforcement agency shall issue to the cited person, the last registered owner of a cited unit, and the park owner or operator, or the legal owner of the property where the cited unit, structure, or property is located, a final notice ~~to abate~~ of violation or notice to abate the violation that shall contain at least a minimum the following:

(A) the date the notice is prepared;

(B) the name or names of the responsible person or entity;

(C) a list of the uncorrected violation(s) cited;

(D) final compliance date;

(E) right to request an informal conference pursuant to section 2752 of this chapter if one has not been requested previously with regard to the identified violations;

(F) right to request a hearing as defined in Section 2002 subdivision (h)(3) pursuant to section 2613 2756 of this chapter but only after the denial or conclusion of the informal conference;

(G) a statement that any willful violation is a misdemeanor under section 18874 of the Health and Safety Code.

(2) The final notice shall be mailed, by registered or certified mail, return receipt requested, to the cited person, ~~to the legal owner of the property as shown on the last equalized assessment roll~~ to the legal owner of the property as indicated on the permit to operate application and to the last known address of the last registered or legal owner of record of the cited unit, unless the unit is in such condition that identification numbers are not available to determine ownership. The final notice may also be served by personal service at the discretion of the enforcement agency.

~~(3) The officer or employee of the enforcement agency upon giving this final notice shall file an affidavit certifying to the time and the manner in which that notice was given. He or she shall also file with the affidavit, any receipt card which may have been returned to him or her in acknowledgment of the receipt of that notice by registered or certified mail.~~

NOTE: Authority cited: Sections 18865 and 18871.10, Health and Safety Code. Reference: Sections 18866.3, 18866.5, 18867, 18868, 18871.3, and 18871.10, Health and Safety Code.

#### **§ 2613. Request for Hearing, Notice of Time and Place for Hearing.**

(a) Upon request for a hearing, the cited person or entity receiving a final notice of intention to abate a violation shall be granted a hearing on the matter before an authorized representative of the enforcement agency, or official authorized to conduct the hearing if the request, pursuant to this article, is made to the enforcement agency within ten (10) days after personal service or acknowledgment of receipt by mail of the final notice to abate.

(b) Upon receipt of a request for hearing from the cited person or entity, the enforcement agency shall, within sixty (60) days of receipt, hold the hearing. The enforcement agency shall provide the time and place of the hearing in a written notice to the petitioner within twenty (20) days of receipt of the request. Receipt of the request for hearing from the cited person or entity, shall postpone any judicial or administrative action by the enforcement agency until after the hearing.

(c) All procedures governing hearings related to maintenance violations are contained in article 11, commencing with section 2750.

(d) In the event that a cited violation constitutes an imminent hazard representing an immediate risk to life, health and safety of persons or property which requires immediate correction, a hearing shall not be permitted and a request for a hearing shall not extend the time for the correction of the violation.

(e) If the request for hearing is not received within ten (10) days from the date of personal service or acknowledgment of receipt by mail of the notice, the enforcement agency shall have the discretion to continue abatement proceedings.

NOTE: Authority cited: Sections 18865 and 18871.10, Health and Safety Code. Reference: Section 18871.10, Health and Safety Code.

#### **§ 2615. Hearing.**

(a) At the time and place of the hearing, the hearing officer shall hear the testimony of and accept evidence from the legal owner of the property, or park owner or operator; the cited person; or their respective representative; and any other person with information or testimony relevant to the final notice to abate. The testimony shall be limited to the condition of the cited unit, structure, or property. Prior to the hearing, the enforcement agency shall provide all evidence supporting the abatement action to the hearing officer.

(b) If the petitioner does not appear at the hearing, the enforcement agency shall have the authority to proceed immediately with abatement procedures.

(c) Within ten (10) days after conclusion of the hearing, the hearing officer shall render a written decision in the matter which sustains, modifies, or overrules the final notice to abate. The decision shall be mailed by first class mail to all parties to the hearing. If the decision sustains or modifies the final notice to abate, the hearing officer may establish new dates and schedules for compliance.

(d) At the discretion of the hearing officer, the enforcement agency shall post a copy of the written decision in a conspicuous place on the property or unit.

NOTE: Authority cited: Sections 18865 and 18871.10, Health and Safety Code. Reference: Section 18871.10, Health and Safety Code.

#### **§ 2616. Time to Bring Action.**

Any cited person, owner, or other interested person having any objections, or feeling aggrieved at any proceedings taken by the hearing officer conducting the hearing, or the enforcement agency in ordering abatement of any violation, shall bring an action in any court of competent jurisdiction within thirty (30) days after receipt of the decision.

NOTE: Authority cited: Sections 18865 and 18871.10, Health and Safety Code. Reference: Section 18871.10, Health and Safety Code.



### **§2618. Responsibility for Costs.**

(a) The registered owner of the unit, or any other cited person or entity that fails to correct a violation or abate a nuisance within the time allotted in the original correction order, or any extension thereto, shall be held responsible for the costs of abatement of the violation. Costs of abatement, for purposes of this section, may include the enforcement agency's investigative and case preparation costs, court costs and attorney fees, the cost associated with any physical actions taken to abate the violation, and any technical service or other fees due to the enforcement agency related to the abatement activity.

(b) If the unit is in such condition that identification numbers are not available to determine ownership, or the enforcement agency is unable to locate the owner after making a reasonable effort to do so, the owner of the property on which the unit, is located shall be liable for such costs.

NOTE: Authority cited: Sections 18865 and 18871.10, Health and Safety Code. Reference: Sections 18866.3, 18866.4, 18866.5, 18869 and 18871.10, Health and Safety Code.

## **Article 11. Informal Conferences and ~~Formal Appeals~~ Hearing Procedures**

### **§ 2750. Application and Scope.**

(a) The provisions of this article apply to the ~~informal and formal~~ procedures available to a cited person, as defined by section 2002 of this chapter, who has received a notice of a violation ordering abatement or correction of a violation of this chapter, the Health and Safety Code, or any other applicable provision of law, issued by the enforcement agency ~~pursuant to section 18867 of the Health and Safety Code.~~

(b) None of the procedures for ~~an informal or formal~~ the appeal ~~and subsequent hearing process extend~~ extends the time allowed for the correction of violations noted in the original notice of violation or notice of abatement noted in subsequent notices of violation issued to the same person or about the same situation unless:

(1) the final date of compliance occurs before the later of either the date of the informal conference or the date of the written determination of the enforcement agency;

(2) the final date of compliance occurs before the later of either the date of the hearing or the date of the hearing officer's final order;

(3) an extension of time allowed for the correction of violations is contained in the written determination provided by the enforcement agency pursuant to subsection 2754(b); or

~~(2)~~ (4) an extension of the time allowed for the correction of violations is contained in the final, formal decision issued by an enforcement agency pursuant to subsection 2756(f)-2757(d).

NOTE: Authority cited: Sections 18865 ~~and~~, 18868, and 18871.10, Health and Safety Code. Reference: Sections 18866.3, 18866.4, 18866.5, 18867 and 18868, Health and Safety Code.

### **§ 2752. Request for Informal Conference.**

(a) The following informal conference process shall be available to a cited person who is required to respond to a notice of violation ordering abatement or correction of a violation of this chapter, the Health and Safety Code, or any other applicable provision of law ~~issued pursuant to section 18867 of the Health and Safety Code~~, and shall be initiated solely at the discretion of the person addressed in the notice of violation if he or she desires to appeal or seek clarification of the notice of violation.

(b) The use of the informal conference process shall be limited to the dispute of one or more of the following issues contained in a notice of violation:

(1) The existence of one or more alleged violations,

(2) The alleged failure to correct the violations in the required time frame, and

(3) The reasonableness of the time frame within which the violations shall be corrected.

(c) If a person is in receipt of a notice of violation and chooses to request an informal conference with a representative of the enforcement agency,

(1) the person shall make a written request to the enforcement agency for an informal conference, and

(2) the person shall ensure that the enforcement agency receives the written request within ten (10) working days of the notice of violation.

(d) The written request for an informal conference shall provide the following information:

(1) The name, address, and telephone number of the person requesting the informal conference, and

(2) A brief description of the issues disputed.

(e) Within ~~three (3)~~ seven (7) working days of the receipt of a written request for an informal conference, the enforcement agency shall contact the person who submitted the request and shall schedule an informal conference for the earliest possible, mutually convenient time and place. The informal conference shall occur during the normal working hours and shall be held no later than ~~fifteen (15)~~ twenty-one (21) working days after the enforcement agency's receipt of the written request. "Normal working hours" are from 8:00 a.m. to 5:00 p.m. on Monday through Friday, excluding holidays.

(f) The enforcement agency shall deny a request for an informal conference only if one (1) or more of the following conditions apply:

(1) The issues identified for dispute in the written request do not include at least one (1) of the issues specified in subsection (b), or

(2) The person requesting the informal conference is not available to meet with the representative of the enforcement agency within the ~~fifteen (15)~~ twenty-one (21) day time period and the enforcement agency determines that good cause does not exist to postpone the informal conference.

NOTE: Authority cited: Sections 18865 and 18868, Health and Safety Code. Reference: Sections 18866.3, 18866.4, 18867 and 18868, Health and Safety Code.

#### **§ 2754. Informal Conference.**

(a) An informal conference related to a violation shall occur at the time and place scheduled and shall provide the person requesting the conference with the opportunity to explain to the representative of the enforcement agency each issue disputed and the facts and circumstances of each dispute.

(b) Within ~~five (5)~~ ten (10) working days of the completion of the informal conference, the enforcement agency shall provide a written notification of its determination to the person who requested the conference.

(c) The written determination shall sustain, overrule, or modify the original notice of violation that contained each issue disputed at the informal conference. Modification may include:

(1) changes to the original violation cited,

(2) where necessary to provide a reasonable time for compliance, an extension of the time within which the modified required corrective action shall be completed. The extension of time shall not exceed thirty (30) calendar days, or such longer period of time allowed by the enforcement agency, from the date of the enforcement agency's written determination or greater period of time as determined by the enforcement agency.

(d) The written request for an informal conference shall be considered withdrawn if the person who submitted the request:

(1) does not appear at the mutually-agreed upon time and place scheduled for the informal conference, and

(2) does not notify the enforcement agency, within five (5) calendar days prior to the date on which the informal conference was scheduled, with written confirmation of the good-cause reason for not appearing at the informal conference.

(e) If the enforcement agency determines that good cause exists for a postponement, the enforcement agency shall postpone an informal conference for a period of time not to exceed fifteen (15) working days and shall notify the person in writing of the time and date of the postponed conference. Otherwise, the agency shall confirm the automatic withdrawal and, if applicable, the denial of the request due to a lack of a good-cause reason, as determined by the enforcement agency.

NOTE: Authority cited: Sections 18865 ~~and~~, 18868, and 18871.10, Health and Safety Code. Reference: Sections 18866.3, 18866.4, ~~18867 and~~, 18868, and 18871.10, Health and Safety Code.

**§ 2756. Request for ~~Appeal~~ Hearing: Appeal of Decision Rendered in Informal Conference.**

(a) Any park owner or operator, cited person, or any registered owner of a unit, who has received a notice of violation ordering abatement or correction of a violation of this chapter, the Health and Safety Code, or any other applicable provision of law issued pursuant to section 18867 of the Health and Safety Code, from the enforcement agency has the right to petition for a formal request a hearing on the matter before an authorized representative of the with the person in charge of the enforcement agency or that person's designee, after a decision is rendered in an informal conference or the agency has denied the request for an informal conference.

(b) The person requesting the ~~formal~~ hearing shall submit a written ~~petition~~ hearing request to the enforcement agency:

- (1) within ten (10) working days of the date of the denial of a request for an informal conference, or
- (2) within ~~five (5)~~ ten (10) working days of the date of the enforcement agency's written determination, following an informal conference, if the issues contained in the notice of violation and the request for hearing were disputed at the informal conference; or

(3) within ten (10) working days of the enforcement agency's issuance of a notice of intent to suspend a permit to operate, issued pursuant to section 18870.12 of the Health and Safety Code. An informal conference is not a condition precedent to a request for a hearing on a notice of intent to suspend the permit to operate and the request shall not be denied for failure to have an informal conference as referenced in Section 2756 subdivision (a).

(c) The written ~~petition~~ hearing request shall:

- (1) provide the name, address, and phone number of the ~~petitioner~~ appellant,
- (2) provide the ~~petitioner's~~ appellant reasons for requesting a ~~formal~~ hearing,
- (3) summarize each issue to be disputed at the ~~formal~~ hearing, and
- (4) state the remedy the ~~petitioner~~ appellant is seeking.

(d) Upon receipt of the ~~petition~~ a request for a hearing from the cited person or entity, the enforcement agency, shall set a time and place for the ~~formal~~ hearing and, shall provide the ~~petitioner~~ appellant with written notice of the ~~scheduled hearing~~, scheduled time and place of the hearing, and shall provide a statement of the agency's selection of the informal hearing procedures to be applied at the hearing. The enforcement agency shall include a copy of the agency's informal hearing procedures, as required pursuant to Government Code sections 11425.10 and 11445.30.

(1) The enforcement agency shall provide the time and place of the hearing in a written notice to the appellant within fifteen (15) working days of receipt of the request.

~~(1)(2)~~ The ~~formal~~ hearing shall commence within ~~ten (10) working days~~ fifteen (15) working days of the date of the ~~petition~~ written notice of the scheduled hearing sent by the enforcement agency.

~~(2)-(3)~~ The ~~petitioner~~ appellant shall have the right to apply to the enforcement agency for the postponement of the date of the ~~formal~~ hearing for a reasonable amount of time. The ~~petitioner~~ appellant shall provide a good-cause reason for the request.

~~(3)-(4)~~ The enforcement agency shall grant a request for postponement if it determines that the ~~petitioner~~ appellant has good-cause reason for the postponement.

(e) ~~The formal hearing shall provide the petitioner with the opportunity to be heard and to show cause why the notice of violation should be modified or withdrawn.~~

~~(1) The petitioner shall be entitled to call witnesses to testify at a formal hearing.~~

~~(2) The petitioner shall be entitled to be represented by legal counsel at a formal hearing.~~

(f) ~~Within ten (10) working days of the formal hearing, the enforcement agency shall provide in writing a final, formal order to the petitioner. The final, formal order shall:~~

~~(1) sustain, modify, or withdraw the notice of violation issued pursuant to section 18867 of the Health and Safety Code, and~~

~~(2) shall clearly state the enforcement agency's findings upon which the final, formal order is based.~~

In the event that a cited violation constitutes an imminent hazard representing an immediate risk to life, health and safety of persons or property which requires immediate correction, a hearing shall not be permitted and a request for a hearing shall not extend the time for the correction of the violation.

(f) Upon receipt of the request for hearing from the cited person or entity, the enforcement agency shall not initiate any judicial or administrative action related to the defect or defects appealed until after the hearing. However, if the defect or defects cited become an imminent hazard representing an immediate risk to life, health, and safety of persons or property which require immediate correction, the enforcement agency may cancel the hearing, demand immediate abatement or correction, and initiate any appropriate judicial or administrative action related to the defect or defects.

(g) If the request for hearing is not received within ten (10) days from the date of personal service or acknowledgment of receipt by mail of the notice, the enforcement agency shall have the discretion to continue abatement proceedings.

NOTE: Authority cited: Sections 18865 ~~and~~ 18868, and 18871.10, Health and Safety Code. Reference: Sections 18866.3, 18866.4, 18867, 18868, and ~~18871.14~~ 18871.10, Health and Safety Code.

#### **§ 2757 Hearing.**

(a) At the time and place of the hearing, the hearing officer shall hear the testimony of, and accept evidence from the following: the legal owner of the property or park owner or operator, the cited person or their respective representative, and any other person with information or testimony relevant to the final notice to abate. The testimony shall be limited to the violations identified in the cited unit, structure, or property. Prior to the hearing, the enforcement agency shall provide all evidence supporting the abatement action to the hearing officer. If requested by the hearing officer, the appellant also may provide written information prior to the hearing, concurrent with a copy to the enforcement agency's representative identified by the hearing officer.

(b) The hearing shall provide the appellant with the opportunity to be heard by the hearing officer designated by the enforcement agency and to show cause why the notice of violation should be modified or withdrawn.

(1) The appellant shall be entitled to call witnesses to testify at the hearing.

(2) The appellant shall be entitled to be represented by legal counsel at the hearing.

(3) The hearing officer shall regulate the course of the proceeding.

(4) The hearing officer: shall permit the parties and may permit others to offer written or oral comments on the issues; may limit the use of witnesses, testimony, evidence, and argument; and may limit or eliminate the use of pleadings, intervention, discovery, prehearing conferences and rebuttal, as required pursuant to Government Code sections 11445.10 and 11445.40.

(c) If the appellant does not appear at the hearing, the enforcement agency shall have the authority to proceed immediately with administrative or judicial action to secure compliance or abatement.

(d) Within ten (10) working days after the conclusion of the hearing, the hearing officer shall provide a final order to the appellant, in the form of a written decision.

The final order shall:

(1) sustain, modify, or withdraw the notice of violation, and

(2) shall clearly state the enforcement agency's findings upon which the final order is based.

The decision shall be mailed by first class mail to all parties to the hearing. If the decision sustains or modifies the final notice to abate, the hearing officer may establish new dates and compliance schedules.

(e) At the discretion of the hearing officer, the enforcement agency shall post a copy of the written decision in a conspicuous place on the property or unit.

NOTE: Authority cited: Sections 18865 and 18868, Health and Safety Code. Reference: Sections 18866.3, 18866.4, 18867, 18868, 18870.14, 18871.10, Health and Safety Code.

#### **§ 2758. Petition to Review Order of Local Enforcement Agency following Formal Hearing.**

(a) A park owner or operator, or the registered owner of a unit shall be entitled to petition the department to review and investigate, as necessary, the enforcement activities of the local enforcement agency if he or she:

(1) who has received a notice of violation issued pursuant to Health and Safety Code section 18867 by an enforcement agency other than the department, and

(2) has received a ~~final, formal~~ final order from the local enforcement agency following a ~~formal hearing~~, shall be entitled to petition the department to review and investigate, as necessary, the enforcement activities of the local enforcement agency hearing.

(b) The petition shall be in writing and shall include the following:

- (1) a copy of the original notice of violation;
- (2) a copy of the enforcement agency's written determination, if an informal conference was held;
- (3) a copy of the enforcement agency's ~~final, formal~~ final order ~~if a hearing was held~~; and
- (4) a clear, concise explanation of the issues that the petitioner continues to dispute.

(c) The department shall ~~consider the petition in conjunction with~~ deem the petition to be a request to exercise the department's responsibility to monitor local enforcement activity pursuant to ~~subdivision (d)~~ of section 18865.7 of the Health and Safety Code.

(1) Within sixty (60) working days of the receipt of the petition, the department shall review the petition and provide the petitioner with written notice of whether the activities of the local agency require investigation by the department.

(2) If the department has determined that the activities of the local agency require investigation by the department, the written notice to the petitioner shall provide a time frame for the investigation.

(3) If the department investigates the enforcement activities of a local agency in response to one (1) or more petitions provided pursuant to subsection (a), the department shall notify each petitioner within sixty (60) days of the results of the department's investigation.

(d) If the department finds that the notice of violation, written determination, and/or ~~final, formal~~ order issued by the local enforcement agency reflect(s) non-enforcement or over-enforcement of the law, the department shall initiate corrective action pursuant to the provisions of subdivision (d) of section 18865 of the Health and Safety Code.

(e) A petition filed pursuant to this section shall not extend the time for correction of the violation as provided in the original or any subsequent notice of violation issued by the local enforcement agency unless the department, based on the petition and materials submitted with the petition, determines there is a high likelihood that the local enforcement agency was incorrect in issuing the notice of violation.

NOTE: Authority cited: Sections 18865, Health and Safety Code. Reference: Sections 18865.7, 18867 and 18868, Health and Safety Code.

### **§ 2759. Time to Bring Action.**

Any cited person, owner, or other aggrieved person having any objections as to any proceedings or actions undertaken by the hearing officer conducting the hearing, or the enforcement agency in ordering abatement or correction of any violation, shall bring an action in any court of competent jurisdiction within thirty (30) days after receipt of the final order or decision. For the purposes of this section, "aggrieved person" or entity is any person that claims to have been injured by actions of the enforcement agency that would permit the person to file a lawsuit in court.

NOTE: Authority cited: Sections 18865 and 18871.10, Health and Safety Code. Reference: Section 18866.3, 18866.4, 18867, 18868, 18869 and 18871.10, Health and Safety Code.